

## R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 19, 2012 regarding Conceptual Site Plan CSP-09003-01 for Stephen's Crossing, the Planning Board finds:

1. **Request:** The subject application is for approval of a CSP for grading and infrastructure only, specifically grading for Mattawoman Drive right-of-way improvements, a stormdrain outfall pipe, and an underground sewer pipe.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	To remain vacant until future uses are approved
Gross Tract Area	169.34 acres	169.34 acres
Total gross floor area	0 sq. ft.	0 sq. ft.

3. **Location:** The subject site is located northeast of the intersection of Brandywine Road (MD 381) and Robert Crain Highway (US 301), in Planning Area 85A, and Council District 9.
4. **Surrounding Uses:** The site is bounded to the northwest by the public right-of-way of US 301 and a single M-X-T-zoned parcel developed with a single-family detached house; to the southwest and south by the public right-of-way for MD 381; to the south, between part of the site and MD 381, by Lot 22 zoned Light Industrial (I-1), which has an approved Detailed Site Plan, DSP-09011, for a medical office building, and an M-X-T-zoned parcel developed and used as a pumping station by Washington Gas Light Company; to the southeast by a parcel in the Miscellaneous Commercial (C-M) Zone developed with a commercial use, and multiple parcels in the Rural Residential (R-R) Zone developed with single-family detached homes; and to the east by the public right-of-way of Missouri Avenue and a vacant property owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Reserved Open Space (R-O-S) Zone.
5. **Previous Approvals:** The subject property is a combination of multiple parcels, lots, and outparcels, all of which were originally part of Preliminary Plan of Subdivision 4-90045 (PGCPB Resolution No. 90-230), Brandywine Business Park, which was approved by the Planning Board on May 31, 1990. Subsequently, final plats were recorded pursuant to that approval for the entire business park area, but nothing was ever developed on-site.

Since then, the entire subject property was rezoned from the I-1 Zone to the M-X-T Zone in the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. Conceptual Site Plan CSP-09003, proposing a full mixed-use commercial and residential development on the subject property, was submitted by the applicant in 2010, but has not yet been reviewed by the Planning Board. That original case is anticipated to be scheduled to be heard by the Planning Board before the end of 2012.

Detailed Site Plan DSP-09011 for Lot 22, which is immediately adjacent to the south and also owned by the applicant, was approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-108) for a medical office building. This development required the construction of stormwater and sewer outfall pipes onto the subject property. Therefore, a condition of that approval was, prior to issuance of building permits, to obtain the necessary plan approvals for those pipes; hence, submittal of the subject application.

The site also has an approved Stormwater Management Concept Plan, 37306-2005-01, which is valid until May 13, 2014.

6. **Design Features:** The entire 169.34-acre site has a somewhat irregular shape and consists of 25 lots, 3 parcels, and 1 outlot, all of which are vacant and partially wooded. The subject application proposes to develop one stormwater outfall pipe on existing Parcel B, in the south central portion of the site, and a long length of an underground sewer outfall pipe, which extends across six lots and parcels at the southern edge of the subject property and connects to an existing sewer line in the southeastern corner of existing Parcel A. Additionally, a portion of the platted Mattawoman Drive right-of-way, that adjoins the subject property in the south central area, is also proposed to be developed and will require a small amount of grading on existing Lot 21. These pipes and right-of-way improvements, which will only disturb 1.57 acres of land on the subject property, will serve the medical office building approved previously under DSP-09011 on the adjacent Lot 22. Future proposed mixed-use development of the subject property will extend the development of Mattawoman Drive and may also connect into the proposed sewer outfall pipe.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of the following sections of the Zoning Ordinance:
    - (1) Section 27-547, Uses Permitted, as no uses are proposed with this application.
    - (2) Section 27-548, Regulations, because it does not propose any building floor area, new lots, residential units, or other structures, except for underground utility pipes.

- (3) Section 27-274, Design Guidelines, because it does not propose any site development, except for underground pipes.
  - (4) Section 27-574, Number of spaces required in the M-X-T Zone and in a Metro Planned Community, as no use that requires parking is proposed.
- b. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The subject CSP is for infrastructure only and does not propose any other development on the site at this time. Therefore, the development proposed with the subject application is in conformance with the purposes and other provisions of the M-X-T Zone.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject property was placed in the M-X-T Zone through the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Master Plan). Because the CSP proposes only infrastructure improvements to serve the adjacent property, none of the design guidelines or standards in the Master Plan are applicable at this time.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The subject CSP is for infrastructure only and does not show the details of any other development on the site, which will be provided on a future CSP.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The subject CSP is for infrastructure only and does not show the details of the final development on the site, which will be provided on a future CSP.

- (5) **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The subject CSP is for infrastructure only and does not show the details of the final development on the site, which will be provided on a future CSP.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The subject CSP is for infrastructure only, and is not proposed to be staged. Any future development on the site will be reviewed for conformance with this requirement.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

The subject CSP is for infrastructure only and does not show the details of the final development on the site, which will be provided on a future CSP.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The subject application is a CSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject CSP is for infrastructure only and does not show the details of the final development on the site, which will be provided on a future CSP. No traffic is anticipated with the proposed infrastructure development.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

This requirement is not applicable to this CSP.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 548.**

The subject site contains 169.34 acres, and is therefore not subject to this requirement.

8. **Prince George's County Woodland Conservation Ordinance:** This site is subject to the provisions of the Woodland Conservation Ordinance because the site has a previously approved Type I Tree Conservation Plan. The Type I Tree Conservation Plan (TCPI-084-90) was approved for the overall site application when the pre-1993 woodland conservation threshold standards of a straight 10 percent requirement of the net tract area for industrial zones, with no replacement required for clearing, were applicable.

The Maryland Forest Conservation Act (FCA) passed by the General Assembly in 1991 established minimum woodland conservation threshold requirements for local authorities that were greater than those previously established by county legislation. As a result, the woodland conservation threshold for industrially-zoned properties in the county was raised to 15 percent of the net tract area. The Forest Conservation Act also required "replacement" in the calculation of the woodland conservation requirements for the site; this was intended to provide a disincentive for the clearing of trees excessively in the development process. In 1993, the county regulations were revised to include these provisions.

Brandywine Business Park (TCPI-084-90) was grandfathered under the requirements of the pre-1993 ordinance, and as a result, the woodland conservation requirement for the overall property remains as 12.33 acres, based on a net tract area of 123.30 acres.

The approved TCPI proposed to provide 12.33 acres of woodland preservation and reforestation on-site in 30-foot woodland conservation buffers adjacent to all 100-year floodplains, in 25 foot-wide buffers adjacent to all nontidal wetlands, and in 20-foot-wide buffers adjacent to all streets. Woodland conservation of these areas as identified on TCPI-084-90 exceeds the required woodland conservation threshold for the site.

The TCPII approved with the DSP-09011 for Stephen's Crossing, Lot 22 indicates that there were 0.52 acres of off-site impacts within the boundaries of Type I Tree Conservation Plan TCPI-084-90, which will be fulfilled through additional preservation and afforestation on Lot 22, which is also subject to TCPI-084-90. As a result, the Environmental Planning Section was able to find that off-site impacts related to Type II Tree Conservation Plan TCPII-055-09 could be found in conformance with TCPI-084-90 because the woodland conservation area requirement was mitigated on-site.

When separate TCP2s are developed for the remainder of TCPI-084-90 which have not yet moved forward to DSP and TCP2 approval, the off-site impacts for Lot 22 shall be reflected on those plans.

9. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 1,500 square feet or greater of gross floor area (GFA) or disturbance. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 169.34 acres in size, resulting in a TCC requirement of 16.94 acres. A TCC schedule was provided showing that the requirement is being met on-site by the retention of existing woodlands due to the minimal proposed impacts.
10. **Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only is exempt from conformance with the requirements of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area or GFA on the subject property.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:

- a. **Archeological Review**—The Planning Board reviewed the following conclusions and recommendations:

**Findings**

- (1) A Phase I archeological survey was conducted on the subject property in January and March 2011. A draft Phase I report was submitted to Historic Preservation on March 31, 2011. One Archeological Site, 18PR1019, was identified in the area that will be impacted by the construction of the stormdrain and sewer outfalls. Site 18PR1019 covers an area of about 300 feet by 200 feet and was defined by five positive shovel test pits and a scatter of oyster shell on the ground surface. A dwelling is shown in this general location on the 1913 U.S. Geological Survey

(USGS) map and a dwelling and several barns are visible in the 1938 aerial photograph. The artifact scatter recorded as Site 18PR1019 probably represents activities that occurred within and around the agricultural barns and a dwelling that was located on the Washington Gas Light property to the east. The artifacts were found in plowzone soils and no features were identified. No further work was recommended on this archeological site.

- (2) The Phase I archeological report was reviewed by the Maryland Historical Trust (MHT) in anticipation of the application for federal and state wetland permits for this project. In a letter dated September 7, 2011 from Beth Cole (Administrator, Project Review and Compliance, MHT) to Kathy Anderson (Chief, Maryland Section Southern Regulatory Branch, Baltimore District, U.S. Army Corps of Engineers), MHT concurred with the report's recommendations and conclusions that no further work was necessary on Sites 18PR1016, 18PR1017, 18PR1018, and 18PR1019 identified on the subject property. MHT requested that the final report specify the final disposition of the material remains and field records generated by the Phase I study. In addition, MHT requested a Determination of Eligibility form for the standing structures on the subject property. In a letter dated January 11, 2012 from Jonathan Sager (Preservation Officer, MHT) to Kathy Anderson, MHT concurred with the conclusion of the Determination of Eligibility form that the structures on the subject property were not eligible for listing in the National Register of Historic Places.

### **Conclusions**

- (1) Historic Archeological Site 18PR1019, located within the proposed limits of disturbance, did not contain intact cultural deposits or features and appeared to be confined to the plowzone layer. Therefore, no further work was recommended by the archeological consultant. In a review letter dated June 3, 2011, Historic Preservation concurred with the report's findings and conclusions that no additional work is necessary on Site 18PR1019.
- (2) MHT concluded that federal and state wetland permits for the Stephen's Crossing development will have no effect on historic properties, and no additional consultation is necessary for the purpose of Section 106 or the Maryland Historical Trust Act.

### **Recommendation**

- (1) Prior to any ground disturbance or the approval of any grading permits, the applicant shall ensure that all artifacts from the Phase I and Phase II archeological investigations are properly curated. The curated artifact collection and associated documentation shall be deposited with the Maryland Historical Trust's (MHT) archeological research facility, the Maryland Archeological Conservation (MAC)

Lab at Jefferson Patterson Park and Museum in St. Leonard, Maryland. Proof of receipt of the artifact collection and associated documentation by the MAC Lab shall be submitted to Historic Preservation.

The recommended condition will be applied at the time of DSP.

- b. **Community Planning**—Community Planning had no comment on the subject application since it was for infrastructure only.
- c. **Subdivision Review**—The subject property is located on Tax Map 145 in Grids A-3, B-2, B-3, C-2, and C-3, and is 169.34 acres in size. The site is the subject of Preliminary Plan of Subdivision 4-90045 (PGCPB Resolution 90-230) and was rezoned to the Mixed Use-Transportation Oriented (M-X-T) Zone. The site is also the subject of a pending Conceptual Site Plan (CSP-09003). This revised CSP is for infrastructure of stormwater management and sewer connection that extends onto Lots 16 through 22, Parcels A and B.

Preliminary Plan of Subdivision 4-90045 was approved by the Planning Board and the resolution adopted on July 31, 2000. The preliminary plan approved 31 lots, 3 parcels, and 2 outlots. The resolution contains 16 conditions. The property has been platted with 27 lots and 3 parcels. The record plats also show the delineation of a conservation easement and a 100-year floodplain easement, which is reflected on the revised CSP. Approval of this revised CSP is to reflect the proposed infrastructure and associated limit of disturbance necessary for the development of Lot 22. The final plats associated with this area should be revised in accordance with Section 24-108 of the Subdivision Regulations to reflect the adjustments to the recorded conservation easement and floodplain easement in accordance with an approved CSP and plat notes for the M-X-T-zoned property in order to construct the infrastructure.

This CSP is for infrastructure only and further development must be in accordance with the M-X-T Zone which will require a new preliminary plan of subdivision. Modifications of the conservation easements proposed with this CSP are consistent with the approved preliminary plan of subdivision. There are no other subdivision issues at this time.

#### **Recommended Conditions**

- (1) Prior to M-NCPPC approval of permits for the installation of infrastructure, Record Plats REP 209-19 and MMB 234-05 and 06 shall be corrected in accordance with Section 24-108 of the Subdivision Regulations for which no preliminary plan is required to reflect the approved conservation easement limits, 100-year floodplain easement limits, correct zoning, and site plan approvals, with appropriate plat notes in accordance with the approval of this CSP application.

The recommended condition will be applied at the time of DSP.



- d. **Department of Parks and Recreation (DPR)**—DPR did not provide comments on the subject application.
- e. **Environmental Planning**—The Planning Board reviewed a discussion of the requirements of the Woodland Conservation Ordinance, the 2002 *Prince George's County General Plan*, the 2005 *Countywide Green Infrastructure Plan*, and the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* along with the following summarized comments:

The current application is not subject to the requirement for a Natural Resources Inventory for submittal of a Conceptual Site Plan or Detailed Site Plan application, because it is grandfathered by Section 3 of County Council Bill CB-28-2010.

This site contains streams, wetlands and wetland buffers, and existing 100-year floodplain and proposed 100-year floodplain which were identified as part of the expanded stream buffer during the review of preliminary plan 4-90045, and placed into conservation and 100-year floodplain easements at time of final plat. The Conceptual Site Plan and Detailed Site Plan correctly show the platted environmental easements for the subject application.

Brandywine Road (MD 381) was designated in the 1993 Subregion V master plan as a historic road. Because Brandywine Road is a state road, it is not subject to Design Guidelines and Standards for Scenic and Historic Roads prepared by the Prince George's County Department of Public Works and Transportation for right-of-way improvements.

The previous 1993 Subregion V master plan classified Brandywine Road as an industrial road west of Mattawoman Drive; east of Mattawoman Drive, passing over Timothy Branch and towards adjacent residential zoning, Brandywine Road was proposed to remain a collector (C-613). The recently approved 2009 *Subregion 5 Master Plan and Sectional Map Amendment* retains the collector classification for the portion of the roadway east of Mattawoman Drive, and upgrades the previous industrial roadway west of Mattawoman Drive to collector status.

Brandywine Road runs along the southern boundary of DSP-09011 for Stephen's Crossing, Lot 22, and forms the southern boundary of the Stephen's Crossing M-X-T-zoned property. Although Lot 22 is technically not part of the mixed-use design zone, having been retained in the I-1 zone during the SMA process, it is the intention that frontage treatments on Lot 22 be coordinated with the design vocabulary and treatments for entrance features proposed for three locations within the Stephen's Crossing development, including the intersection of Brandywine Road and Mattawoman Drive.

When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and

enhance the travel experience if scenic qualities or historic features have not been preserved. In order to determine if there are historic or scenic characteristics that should be identified and preserved, an Inventory of Significant Visual Features for the viewshed adjacent to the right-of-way of Brandywine Road was required and submitted with CSP-09003 for Stephen's Crossing and the CDP-0901 for the Villages of Timothy Branch, which is located on the south side of Brandywine Road.

From the western property line of Lot 22, the Brandywine Road frontage of this site contains a significant buffer of existing woodlands for approximately 1,000 feet running east. For the remaining 800 feet before the Brandywine Road intersection with Mattawoman Drive, the plan shows a ten-foot-wide landscape strip placed behind the public utility easement (PUE).

The design of the landscape treatment proposed on either side of Brandywine Road should be coordinated, and reviewed at time of the associated DSP to ensure that the design is: in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Brandywine Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment being proposed on the south side of Brandywine Road in conjunction with the Villages of Timothy Branch development.

Parcel A associated with the current application has frontage on Brandywine Road. At the time of any development application not limited to infrastructure with frontage on historic Brandywine Road, appropriate landscape treatment for the historic road adjacent to the right-of-way shall be provided.

Conditions having to do with the appropriate findings have been included in this approval.

- f. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire Department at the time of issuance of permits.
- g. **Department of Public Works & Transportation (DPW&T)**—DPW&T provided a standard response on issues such as frontage improvements, storm drainage systems, and utilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced by DPW&T at the time of issuance of permits. DPW&T also indicated that the subject application is consistent with the approved SWM concept plan.
- h. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.

- i. **Prince George's County Health Department**—The Health Department indicated that they had completed a health impact assessment of the subject application and had no comments or recommendations.
  - j. **Prince George's County Department of Environmental Resources (DER)**—The Prince George's County Department of Environmental Resources (DER) indicated that they had no comment on the subject application.
  - k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC indicated that the proposed site development was previously submitted to them and is a conceptually approved project.
12. Based upon the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, this conceptual site plan for infrastructure represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Per Section 27-276(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a conceptual site plan is as follows:

**The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

The application is not subject to this requirement because the previously approved preliminary plan grandfathers the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-084-90/01), and further APPROVED Conceptual Site Plan CSP-09003-01 for the above-described land, subject to the following conditions:

1. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S. on the subject property, the applicant shall submit to The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's County Planning Department, Development Review Division copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
2. The approval of future DSPs and associated TCPs for lots and parcels subject to Conceptual Site Plan CSP-09003-01 shall reflect the off-site woodland conservation impacts and mitigation approved under Type II Tree Conservation Plan TCP11-055-09.

3. At the time of any development application for the subject property not limited to infrastructure, with frontage on historic Brandywine Road, appropriate landscape treatment for the historic road adjacent to the right-of-way shall be provided.

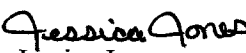
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 19, 2012, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 6th day of September 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:SL:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department  
Date 9/2/12