

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-09

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File No. CSP-09003

RESOLUTION

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 February 6, 2014 regarding Conceptual Site Plan CSP-09003 for Stephen's Crossing at Brandywine, the Planning Board finds:

1. **Request:** The subject application proposes to develop the subject property with a mixed-use development including 425 to 440 townhouses; 120 to 150 two-family attached units; 700 to 800 multifamily dwelling units; 100,000 square feet of commercial office space; and 100,000 to 200,000 square feet of commercial retail space.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Single-Family Attached and Multifamily Residential, Commercial Office, and Retail
Acreage	169.34	169.34
Total Dwelling Units	0	1,245 – 1,390
Two-Family Attached	0	120 – 150
Townhomes	0	425 – 440
Multifamily Units	0	700 – 800
Commercial Office Square Footage	0	100,000
Commercial Retail Square Footage	0	100,000 – 200,000
Residential Square Footage	0	2,684,600 maximum

Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.53 FAR*

* Note: This is noted incorrectly on the plan and should be revised prior to certification.

3. **Location:** The subject property is located in the northeast quadrant of the intersection of Robert Crain Highway (US 301) and Brandywine Road (MD 381), in Planning Area 85A and Council District 9, within the Developing Tier.
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 (Mixed Use–Transportation Oriented) parcel developed with a single-family detached house; to the southwest and south by the public right-of-way of 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, the Brandywine Area Park.
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 Prince George's County 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. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) rezoned the subject property from the I-1 Zone to the M-X-T Zone.

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, Conceptual Site Plan CSP 09003-01 for grading and infrastructure only, specifically for Mattawoman Drive right-of-way improvements, a stormdrain outfall pipe, and an underground sewer pipe, was approved by the Planning Board on July 19, 2012 (PGCPB Resolution No. 12-76) and subsequently approved by the Prince George's County District Council on November 20, 2012 subject to five conditions.

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

6. **Design Features:** The conceptual site plan (CSP) proposes a mixed-use residential, commercial-retail, and office development on a large vacant property. The site is bisected by two master-planned, undeveloped, platted rights-of-way (Mattawoman Drive (A-63) and Cattail Way (C-610)), which will connect to the surrounding existing roads (Crain Highway (US 301), Missouri Avenue, and Brandywine Road (MD 381)), and provide the major access to the site. The 120-foot-wide arterial, Mattawoman Drive, runs north/south through the western end of the site,

connecting Brandywine Road to US 301 and beyond in both directions. The 80-foot-wide collector Cattail Way runs east/west through the middle of the property, terminating at Mattawoman Drive on the western end and at Missouri Avenue on the eastern end. One platted but undeveloped right-of-way, Daffodil Court, runs north from Cattail Way and terminates in a cul-de-sac. The Timothy Branch creek runs north/south through the eastern end of the site, and other associated tributaries run east/west in the southwestern corner of the site and through the northern central portion of the property.

The proposed commercial area, which will include 100,000 to 200,000 square feet of retail space and 100,000 square feet of office space, is concentrated at the western end of the site between the intersection of US 301 and Brandywine Road and the alignment of proposed Mattawoman Drive to the east. A smaller portion of commercial space is also located on the east side of Mattawoman Drive, between it and environmental features, and then a small section of commercial office space is proposed to be located in the northeastern quadrant of the future intersection of Mattawoman Drive and Brandywine Road, adjacent to the existing off-site Washington Gas Light pumping station.¹ As currently proposed, the design of the commercial complex does not have a central organizing theme. The buildings do not appear to have a strong relationship with each other or the adjacent roads, US 301 and Mattawoman Drive. The Planning Board found that, at the time of detailed site plan (DSP), the layout of these buildings be reconsidered when information about the specific tenants and necessary parking ratio is obtained. These buildings should have a strong relationship with each other and the surrounding public roads. The buildings should also be organized to provide quality public spaces that will provide a pleasant outdoor setting for employees and visitors.

The southeastern corner of the intersection of Mattawoman Drive and Cattail Way is proposed to be a potential mixed multifamily residential and commercial use. The remainder of the multifamily residential use, which includes 700 to 800 units total, is to be concentrated at the north end of the property at the terminus of Daffodil Court, between environmental features and the right-of-way of US 301, which forms the northern border of the subject application. The remainder of the residential uses, to include 425 to 440 townhouses and 120 to 150 two-family attached units total, will be located to the north and south of Cattail Way, between it and the environmental features in the central portion of the site. At the far eastern end of the subject property, a smaller area of residential units is proposed to be located in the southwestern quadrant of the intersection of Missouri Avenue and Cattail Way, which is separated from the remainder of the developed areas by Timothy Branch creek. All of the townhouse and two-family attached units are proposed to be served by private rights-of-way leading off of Cattail Way. Stormwater management is to be provided mainly through the use of three above-ground ponds located in the southern portion of the site.

¹The term "environmental features" as used throughout this resolution includes, but is not limited to, wetlands, streams, and floodplains.

The subject CSP does not propose specific development standards for uses or architecture, but does provide some typical lot configurations for the townhouses, which have been reviewed for conformance with Section 27-548 of the Zoning Ordinance as discussed in Finding 7(b) below. More specific design standards will be required to be reviewed with the future DSP, as allowed by Section 27-548(c). At that time, issues of distances between buildings, setbacks from property lines, and green space, among others, will be reviewed in detail. Various conditions have been included in this approval regarding specific design issues that should be addressed at the time of DSP in order to ensure the overall plan meets the requirements and regulations of the M-X-T Zone.

The CSP application includes a list of proposed private recreational facilities on-site to include a 1,500-square-foot clubhouse, with adjacent swimming pool, in the center of the residential development along Cattail Way and a separate 1,500-square-foot clubhouse within the multifamily complex at the northern end of the site. A total of five tot lots (at 2,400 square feet each) and three pre-teen lots (at 2,500 square feet each) are shown distributed throughout the residential portion of the site. Approximately 6,800 linear feet of private trails are provided along environmental features and around stormwater ponds throughout the site. Additionally, over 10,000 linear feet of an eight-foot-wide sidepath is proposed to be provided within the rights-of-way of Mattawoman Drive and Cattail Way to provide pedestrian and bike access to the adjacent Brandywine Area Community Park. This park property, located to the northeast of the CSP site, is undeveloped, but owned by M-NCPPC. M-NCPPC's Department of Parks and Recreation (DPR) is planning for the construction of a new regional community center at this site. This multi-generational public facility is currently referred to as the Southern Area Aquatic and Recreation Complex, and will be 60,000–80,000 square feet in size and will include indoor aquatic space, a gymnasium, a fitness room, and flexible programmable space. As discussed in Finding 11(f) below, DPR is requesting that the applicant contribute financially towards development of this park which, in conjunction with the proposed private facilities, will provide an attractive amenities package for future residents. However, the list of private recreational facilities provided on the CSP should be viewed as the minimum number and size of private facilities required. At the time of DSP, it may need to be expanded to ensure that the overall development and each phase is capable of sustaining an independent high-quality environment.

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 Section 27-547 of the Zoning Ordinance, which governs uses in mixed-use zones.
 - (1) All types of office and research, many types of retail, and eating and drinking establishments are permitted in the M-X-T Zone. The submitted CSP proposes office and retail space and residential development.

Residential uses are permitted in the M-X-T Zone, with the following footnote:

Section 27-547(b), Footnote 7

Except as provided in Section 27-544(b), for development pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, the number of townhouses shall not exceed 20% of the total number of dwelling units in the total development. This townhouse restriction shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000.

Section 27-544(b) does not apply to the subject application, nor is the subject property within one-half mile of an existing or planned Washington Metropolitan Area Transit Authority (WMATA) transit rail station site. Therefore, the 20 percent restriction on townhouses applies, but the CSP proposes close to 40 percent townhouses with a range of 425 to 440 townhouses for the total 1,245 to 1,390 residential units. The applicant has filed a variance application from this requirement with this CSP to allow a maximum of 40 percent townhouses. See Finding 7(d) for a detailed discussion of the variance.

- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:

Section 27-547(d)

At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

All three use categories are proposed in the subject CSP, which exceeds the requirements of Section 27-547(d).

- b. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The CSP's conformance with the applicable provisions is discussed as follows:

(a) **Maximum floor area ratio (FAR):**

- (1) **Without the use of the optional method of development—0.40 FAR**
- (2) **With the use of the optional method of development—8.0 FAR**

The applicant has proposed to use the optional method of development. Under the optional method of development, greater densities can be granted in increments up to a maximum floor/area ratio of eight for each of the uses, improvements, and amenities. The uses, improvements, and amenities proposed in this CSP include:

- **Residential**—This will potentially increase the floor area ratio (FAR) by 1.0 if more than 20 dwelling units are provided with the application. This CSP includes a maximum total of 1,390 dwelling units and is eligible for this bonus.

The CSP proposes the use of the optional method of development and has a FAR above 0.40. The proposed FAR is as follows:

Uses	Square footage
Residential	2,684,000
Commercial	300,000
Total	2,984,600
Net Site Area: 128.84 Acres	5,612,270
FAR	0.53

The development will need to use optional methods of development, such as the proposed residential units, to achieve the FAR proposed, which is above 0.40. Further details on the exact FAR allowed and proposed will be provided at the time of DSP.

- (b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The CSP proposes more than one building on more than one lot as allowed.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is not applicable to this CSP.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The subject development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The site's compliance with the requirements of the Landscape Manual will be reviewed at the time of detailed site plan (DSP) review.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

This requirement will be reviewed for compliance at the time of DSP when detailed building designs are provided; however, the CSP complies with this requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

This requirement will be reviewed for compliance at the time of DSP; however, the CSP does not show any private structures above or below public rights-of-way.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

This requirement will be reviewed at the time of DSP once access and lotting patterns are evaluated and approved with the required preliminary plan of subdivision.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least**

1,800 square feet in size, and shall have at least 60 percent of the full front facades constructed of brick, stone, or stucco...

The regulations regarding townhouse design will be enforced at the time of preliminary plan and DSP as required. However, in order to fully conceptualize the planned development, the applicant has filed a variance application from one part of this requirement with this CSP to allow for a minimum townhouse lot size of 1,600 square feet. The applicant intends to meet all other requirements of this section on future plans. See Finding 7(d) for a detailed discussion of the variance.

- (i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, or a Mixed-Use Planned Community.**

The preliminary bulk regulations contained in the CSP do not show any building height that is higher than 110 feet, but this will be enforced at the time of DSP.

- c. The subject application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires findings in addition to the findings required for the Planning Board to approve a CSP as follows:

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

The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The property is located at the intersection of US 301 (a master-planned freeway) and MD 381 (a master-planned collector road), and less than one-half mile from the intersection of US 301 and MD 5 (Branch Avenue), which is also a master-planned freeway. Branch Avenue is also being studied for a possible mass transit facility, such as light rail or bus rapid transit, with possible stop locations within one-half mile of the subject property. All of these factors make development of this site desirable for employment and living opportunities.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The proposed development offers a relatively compact, mixed-use, walkable community with a mix of commercial, residential, employment, and recreational uses, including the adjacent proposed public park to the east and the previously approved office building to the south.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The subject site is an undeveloped property and is located between existing major roadways and the future planned Southern Area Aquatic and Recreation Complex. Developing a mixed-use residential and commercial development on the site will maximize the public and private development potential inherent in this location.

- (4) To promote the effective and optimum use of transit and other major transportation systems;**

The location of the site in the vicinity of existing freeways and a possible future transit facility means the proposed development will promote the effective and optimum use of these facilities.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The vast majority of the development proposal is residential. As a residential development, there will be activity and a steady presence of people beyond regular business hours. The CSP proposes 200,000 square feet of retail development and 100,000 square feet of office space. In order to encourage an active 24-hour environment, a mix of land uses is recommended including a mix of retail. People, combined with a mix of uses and well-designed public spaces, activate the streetscape. The design of the retail proposal in the CSP is critical to achieve an active and vibrant mixed-use development. Therefore, various conditions have been included in this approval concerning the design of the commercial area in order to facilitate the 24-hour environment.

- (6) To encourage diverse land uses which blend together harmoniously;**

The overall development proposal includes up to 1,390 residential units, 100,000 square feet of office space, and up to 200,000 square feet of retail space along

with private and public amenities. This represents a mix of uses which should operate harmoniously.

(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The functional relationships of the individual uses are established with the subject CSP, and will be further reviewed at the time of DSP review. The visual character and identity of the project will be a function of the architecture of the buildings, entrance features, and landscape plantings, which will be under close examination at the time of DSP review. Buildings should be designed with high-quality detailing and design variation. They should be appropriate in scale with their location. The architecture, street furniture, landscape treatment, signage, and other elements should be coordinated to give the development a distinctive visual character.

(8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;

A number of factors help to make this design an efficient multipurpose plan. The number of proposed residential units and the concentration of a large portion of them in multifamily complexes allows for economies-of-scale in the construction process and for the municipal services required to serve the residents. The mixture of uses proposed near a major existing intersection will create an efficient use of this currently undeveloped property.

(9) To permit a flexible response to the market; and

The proposed combination of uses will create a desirable community in the southern part of the county with shopping, housing, employment, and parks all easily accessible to each other. The CSP is in general conformance with this purpose of the M-X-T Zone.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

As approved with conditions and DSP review, the applicant will be allowed freedom in architectural design to provide a unique and attractive product for the area.

(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 site was rezoned to the M-X-T Zone in 2013 through the Subregion 5 Master Plan and SMA. This master plan does not contain a design concept for the subject property, nor corresponding design guidelines and standards for evaluating conformance with a design concept.

- (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 majority of the commercial portion of the development will be visible from US 301 and proposed Mattawoman Drive. The majority of the residential portion will be tucked away from these major roadways at the eastern end of the site and closest to the existing largely residential uses to the east. This residential area may help catalyze the development of the adjacent planned county park site; which, as a major attraction for residents, will aid in rejuvenating this general area of the county.

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

The subject site is generally surrounded by public roadways, with the more major roads located to the west of the site. Therefore, the proposed commercial uses are concentrated at the western end of the site and close to the proposed arterial roadway, Mattawoman Drive, which cuts through the site. This is also closest to the existing industrial uses located southwest of the property, across Brandywine Road. The residential uses are concentrated in the eastern end of the site, closest to the proposed adjacent park site and the existing residential uses to the southeast of the property. The Planning Board found that the subject development is being planned and designed for complete compatibility with the existing development in the vicinity.

- (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 amenities and design proposed in the residential portion of the site will create a largely self-sustaining environment of quality and stability. The design and vision for the commercial and multifamily parts of the site need additional refinement. The central organizing theme for these areas, even at a conceptual level, does not appear fully realized in the CSP. Therefore, various conditions have been included in this approval concerning the design of these areas to be reviewed further at the time of preliminary plan and DSP.

- (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 development will be phased in approximately 16 stages, starting with a group of townhouses at the eastern end of the site, closest to Missouri Avenue. The second stage is a small office development at the southern end of the site along Brandywine Road (MD 381), before construction moves to the central interior portion of the site to develop more residential units before starting to add more commercial space. This proposed phasing should create self-sufficient entities, which blend harmoniously with surrounding existing uses, until subsequent phases are added to complete the overall integration of the site.

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

The CSP proposes sidewalks along all major internal drives, along with widened sidepaths along the major roadways and multiple private trails for recreational use. Critical pedestrian connections between the residential areas and the proposed commercial areas, along with the adjacent proposed county park, are provided to encourage pedestrian activity within and through the development.

- (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.**

This requirement is applicable to this CSP as it was placed in the M-X-T Zone by a sectional map amendment. A detailed discussion of transportation issues is provided in Finding 11(c) below, resulting in a conclusion that the transportation facilities will be

adequate to carry anticipated traffic for the proposed development as required if the application is approved with relative conditions.

- (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 approved 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.

- d. Section 27-239.03 of the Zoning Ordinance allows the Planning Board or District Council to grant a variance if the following findings can be made. The required findings for a variance as stated in Section 27-230(a) include the following:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situations or conditions;**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The subject property has exceptional shape, topography, and other extraordinary situations or conditions. The gross tract area of the subject property is 169.34 acres and is bisected by three streams (the Timothy Branch Creek and two associated unnamed tributaries), associated non-tidal wetlands, and 100-year floodplain totaling approximately 53 acres. The environmentally regulated corridors associated with each stream exceed 200 feet in width and together with the exceptional topography significantly reduce the development envelope and constrain the shape of the developable areas. The subject property is also uniquely shaped due to its location between US Route 301 to the west and the Timothy Branch and Brandywine Area Community Park to the east. Additional encumbrances on the developable area of land include the Master Plan road alignment for A-63, Mattawoman Drive and C-610, Cattail Way, which both bisect the property.

Mattawoman Drive is a 120-foot-wide right-of-way that encumbers 4.77 acres of the gross tract of the property and Cattail Way is an 80 foot-wide right-of-way that occupies 4.82 acres of the gross tract of the property.

“There is also an extraordinary situation with this property due to the fact that it is located within one-half mile of a proposed mass transit rail station site in the form of a Maryland Transit Authority (MTA) Light Rail stop on Route 5 at its intersection with the proposed Mattawoman Drive. But since this is not a planned or existing WMATA owned and operated facility, the allowed exemptions from townhouse percentage and minimum lot sizes do not apply. The intent of the legislation that allows for less restrictive development standards for property located within one-half mile of a mass transit station was to promote higher density development close to these stations in order to promote ridership and communities that are designed to be more walkable. The applicant has requested a variance to only two of the seven development standards in hope of providing the density that is needed to support the planned mass transit rail station. By approving an increase to the amount of townhouses allowed, as well as reducing the lot sizes, it will help provide the additional density required to promote walking and to make the mass transit station more viable.”

The Planning Board concurs with the applicant’s assertion that the subject property has exceptional topographic, environmental, and other conditions as required to make this finding. The existing environmental features and master-planned roadways encroach and bisect the property to a point where the majority of the developable areas are exceptionally shaped or are narrow and shallow. The Planning Board also concurs with the applicant’s discussion on the extraordinary situation of the planned mass transit rail station. At this time, the Maryland Transit Administration (MTA) Light Rail station is being studied, but has not been planned to the extent that its exact location and type of transit facility is still subject to change. With that being said, the Subregion 5 Master Plan does show a proposed transit stop in the location indicated, within one-half mile of the subject property, and does encourage density on the subject property to support such a facility. Increasing the number of townhouses allowed and decreasing the minimum lot size on the subject property will only aid in promoting the development of a transit facility along MD 5. In conclusion, this requirement for approval of a variance is adequately fulfilled by the property’s exceptional topographic, environmental, and other conditions.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Applicant’s Justification: The applicant provided the following summarized justification in response to this requirement:

“The applicant contends that practical difficulties exist in the strict application of the Zoning Ordinance due to the fact that the applicant would be required to significantly

decrease the density proposed for this mixed use development. In order to comply with the townhouse limitations, the proposed number of townhouse units would need to be reduced from 425 to 249, a drastic reduction that would greatly impair the amount of capital required to develop the project and construct the master planned road network. This would contradict the stated intent for this property in both the 2002 General Plan and 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment.

"The 2002 General Plan directs growth in Prince George's County to designated centers and corridors. The vision for centers is to promote development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design.

"The Centers in the Developing Tier should be developed at densities that are high enough to generate ridership that justifies the cost of extending rail transit. (They) should be developed at sufficient intensities with integrated mixed land uses, sustain existing bus service, and create additional opportunities for more walk-, bike-, or drive-to-transit commuting.

"The alternative would be to increase the amount of multi-family units proposed in order to bring the overall percentage of townhouses in line with the maximum 20 percent. This would result in an increase in the proposed number of multi-family units from 800 units to over 1,000 units. The applicant does not believe that this is the best solution for the existing neighborhood or the proposed planned community."

The Planning Board concurs with the applicant's assertion that the strict application of the townhouse percentage and minimum lot size requirements would present peculiar and unusual practical difficulties for the owner, as they would be unable to develop the property in line with the general and master plan recommendations and fulfill the purposes of the M-X-T Zone. Specifically, the zoning requirements, when combined with the exceptional site conditions mentioned above, would not allow the site to create a compact mixed-use community, or promote the effective use of the future transit stop.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The 2002 General Plan identifies this project as being located within an approved growth center (Brandywine Community Center) in the Developing Tier (Map 2, page 46). The intent of the Community Center designation was to encourage the establishment of a focal point for residential and non-residential activity, developed at densities that are high enough to produce transit ridership sufficient to justify the cost of extending and maintaining transit service.

“Concepts that focus appropriate development at these locations, such as transit-oriented development (TOD), are strongly advocated by this General Plan. TOD seeks to increase transit use and reduce automobile dependency by:

- “• Locating homes, jobs and shopping closer to transit services.
- “• Locating the mix of critical land uses (live/work/shop) in closer proximity to one another.
- “• Establishing land use/transit linkages that make it easier to use transit (rail and bus).

“The 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment identifies the property as being located north of the Brandywine Community Center Edge and Community Center Core, which is located at the MD 301 and A-55 interchange. The property is envisioned as being a mix of commercial, employment, and light industrial uses tied to the community center by roads and complementary land uses. By focusing development into high density community centers such as the Brandywine Community Center, the surrounding green infrastructure network can be preserved.”

The Planning Board concurs with the applicant’s discussion of the relevant sections of the 2002 *Prince George’s County Approved General Plan* (General Plan) and master plan. Approval of an increase in the percentage of townhomes and a reduction in the minimum townhouse lot size within the subject property will not impair the intent, purpose, or integrity of the General Plan or the applicable master plan. It is in keeping with the goals and policies of both plans in allowing a moderate density that would support transit ridership on an M-X-T-zoned property in the Developing Tier.

In conclusion, the Planning Board approved the requested variance for an increase in the allowed percentage of townhouses (as required by Section 27-547(b), Footnote 7) to 40 percent and approved the requested variance for a reduction in the minimum townhouse lot size (as required by Section 27-548(h)) to 1,600 square feet.

- e. If approved with conditions, the CSP will be in conformance with the applicable CSP site design guidelines contained in Section 27-274. The following are considerations:
 - (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. The subject CSP is in general conformance with this requirement. The illustrative site plan shows that, in general, surface parking is not proposed between buildings and the public rights-of-way. However, a condition has been

included in this approval to ensure that the future DSP takes this into consideration.

- (2) In accordance with Section 27-274(a)(2)(B), loading areas should be visually unobtrusive. Loading areas are not indicated on the CSP or the provided illustrative site plan. At the time of DSP, attention should be paid to the design of loading areas so that they are visually unobtrusive as viewed from public spaces and the public right-of-way.
 - (3) In accordance with Section 27-274(a)(6)(i), Site and streetscape amenities, the coordination of the design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture will be required. A comprehensive review of streetscape amenities will occur at the time of DSP.
 - (4) A public space system should be provided to enhance the commercial and multifamily development areas in accordance with Section 27-274(a)(9), Public spaces. These public spaces should incorporate high-quality design details and be integrated into the site design by a well-designed pedestrian system. An attractive mix of design features including focal points, such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty (i.e., non-standard) paving materials should be demonstrated at the time of DSP.
 - (5) As discussed in Section 27-274(a)(11)(B), it is noted that groups of townhouses should be arranged at right angles to each other in a courtyard design and units should front on roadways. The submitted CSP does show such an arrangement in the majority of the townhouse areas, and this should be maintained in the future preliminary plan and DSP.
 - (6) The CSP proposes multiple recreational facilities throughout the development that should be properly separated from dwelling units, in particular rears of buildings, in accordance with Section 27-274(a)(11)(C). This issue will have to be examined closer at the time of DSP when specific building and area design will be created for the recreational features.
- f. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP approval. Detailed information regarding the methodology and procedures to be used in determining the parking requirement is outlined in Section 24-574(b). The CSP is not required to include detailed parking rate information. At the time of DSP review, adequate parking will be required for the proposal.
8. **2010 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). Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the Landscape Manual, which will be reviewed at the time of DSP review.

- a. **Section 4.1—Residential Requirements**, requires a certain number of plants to be provided for residential lots depending on their size and type. The subject development will be evaluated for conformance to Section 4.1 at the time of DSP review when a final lot number and pattern is established.
- b. **Section 4.2—Requirements for Landscape Strips along Streets**, requires a landscape strip be provided for all nonresidential uses and parking lots abutting all public and private streets, which will occur within the commercial portions of this development. Conformance to these requirements will be judged at the time of DSP review.
- c. **Section 4.3—Parking Lot Requirements**, specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The parking compounds will be evaluated for conformance to Section 4.3 at the time of DSP review.
- d. **Section 4.4—Screening Requirements**, requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets, which will occur within the subject development. Conformance to these requirements will be judged at the time of DSP review.
- e. **Section 4.6—Compliance with Section 4.6, Buffering Development from Special Roadways**, is required for any location where rear yards of single-family attached dwellings are oriented to a street and along Brandywine Road (MD 381), which is a designated historic road. The Brandywine Road issue is discussed further in Finding 13(g) below. Conformance to Section 4.6 for the residential lots will be evaluated at the time of DSP review when a final lot pattern is established.
- f. **Section 4.7—This site will be subject to Section 4.7, Buffering Incompatible Uses**. More specific information regarding bufferyard requirements along property lines adjoining other uses will be evaluated at the time of DSP. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.
- g. **Section 4.9—This site will be subject to Section 4.9**, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.

- h. **Section 4.10**—This site will most likely be subject to Section 4.10, which requires street trees along private streets. However, conformance with these requirements will be evaluated further at the time of preliminary plan and DSP review when public and private rights-of-way are established and designed.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is subject to the current environmental regulations contained in Subtitles 24 and 27 of the Prince George's County Code that became effective on September 1, 2010 and February 1, 2012 respectively.

This project is also subject to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO), that became effective on September 1, 2010 and February 1, 2012 respectively, because of the requirement for a new preliminary plan. As a result, a new Type 1 tree conservation plan (TCP1) number has been assigned to the application.

This site is subject to the provisions of the WCO. Type I Tree Conservation Plan TCPI-084-90 was approved for the overall site when the pre-1993 woodland conservation threshold (WCT) standard of a straight ten percent requirement of the net tract area for industrial zones were in effect, and no replacement was required.

The subject property was recently rezoned to the M-X-T Zone from the I-1 Zone. The development pattern proposed is significantly different than the previous approval, and is no longer grandfathered because of the requirement for a new preliminary plan and TCP1 for this site. The TCP1 will be reviewed under the current requirements of the WCO. The M-X-T Zone is subject to a 15 percent WCT.

The revised TCP1, received on December 20, 2013, covers a 169.34-acre property. The site contains 90.13 acres of upland woodlands and 33.32 acres of wooded floodplain. The TCP1 proposes clearing 77.27 acres of the upland woodlands, 1.02 acres of wooded floodplain, and 1.90 acres of off-site clearing. Although rights-of-way have been dedicated on this property by recorded plats, the areas of the rights-of-way have been included in the net tract area because they were included in the previous TCPI approval. The WCT for this property is 19.28 acres. Based upon the clearing proposed, the total woodland conservation requirement for the development as currently proposed is 46.33 acres.

The TCP1 proposes to meet the requirement with 12.86 acres of on-site preservation and 13.90 acres of on-site afforestation/reforestation. The remaining 19.57 acres is proposed to be provided as off-site woodland conservation in the Mattawoman subwatershed.

The priorities for woodland conservation are contained in Section 25-121(b) of the Zoning Ordinance and include, in the order listed: land within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), critical habitat areas, and contiguous wooded areas as the top three priorities. Much of the site is located within a

designated evaluation area of the Green Infrastructure Plan and within the watershed of Mattawoman Creek, a designated special conservation area. Woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas, to widen stream buffers and protect sensitive environmental features, is also a high priority. Additional opportunities to meet the woodland conservation requirement on-site should be evaluated as the site is reviewed with future applications.

In previous comments, increasing the on-site woodland conservation to meet the sum of the WCT requirement (19.28 acres) and the one-quarter-to-one replacement requirement (6.42 acres) for on-site clearing above the threshold on the subject property was recommended, resulting in a total of 25.70 acres. The revised plan submitted addresses the prior comment, resulting in on-site woodland conservation exceeding that request by 0.98 acre. This responds to the recommendations of the master plan for the Mattawoman Creek special conservation area. Further opportunities to increase on-site woodland conservation will be discussed under an evaluation of proposed impacts to regulated environmental features, and as more detailed plans are developed. At a minimum, all future tree conservation plans must continue to meet the threshold and one-quarter-to-one replacement requirement on-site.

The strategies contained in the General Plan provide guidance that, if off-site woodland conservation is proposed, it be fulfilled within the Mattawoman Creek watershed, responding to the designation of a special conservation area. The TCP1 includes a note indicating that all off-site woodland conservation will be provided in the appropriate watershed.

The Type 1 Tree Conservation Plan (TCP1-007-12) has been reviewed and requires technical revisions to be in conformance with the WCO. The TCP1 as submitted is at a scale of one inch equals 200 feet; as a result, a detailed evaluation is not possible at this time, but this scale is consistent with the CSP and other plans submitted with the current review. At the time of preliminary plan, the TCP1 must be presented at a scale of a minimum of one inch equals 100 feet in order to allow for a more detailed analysis of the resources present and the proposed impacts.

The Environmental Technical Manual, effective September 1, 2010, provides standard symbols and notes required in the preparation of a TCP1. The TCP1 has been revised to be in conformance with this, except for the following which must be addressed prior to signature approval:

- a. Note 1 shall be revised to remove the second sentence.
- b. The term "forest preservation" shall be revised to use the term "woodland preservation."
- c. The term "forest clearing" shall be revised to use the term "woodland clearing."
- d. Brandywine Road shall be labeled as a historic road.
- e. Bearings and distances shall be shown on all property boundary lines.

- f. The revised plan shall be signed and dated by the Qualified Professional who prepared it.

After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made. Conditions regarding these issues have been included in this approval.

Specimen Trees

Effective October 1, 2009, the Maryland Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the WCO, effective on September 1, 2010. Type 1 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees (Section 25-122(b)(1)(G)), and every reasonable effort should be made to preserve the trees in place, with consideration of different species' ability to withstand construction disturbance.

After careful consideration has been given to preservation of the specimen trees, and there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met, and the request is not less stringent than the requirements of the applicable provisions of Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance application and a statement of justification in support of a variance for the removal of specimen trees, dated July 23, 2012, were submitted with the subject application.

The specimen tree table on the TCP1 shows a total of 56 specimen trees. The specimen tree table and the statement of justification indicate the proposed removal of 22 specimen trees on-site. The statement of justification submitted with the current application describes the need for a developable area to meet the anticipated development pattern of the M-X-T Zone, but does not address the individual trees or their conditions with any specificity, which is difficult at the large-scale conceptual level of development currently under review. The statement of justification, as submitted with the current application, has grouped all trees proposed to be removed regardless of the reason for the proposed removal (grading, stormwater management, construction tolerance of the species, etc.). Identification of these elements must be included in a revised statement of justification that should be submitted with the preliminary plan application. Trees may be grouped together based on similarities (the reason for proposed removal, condition rating, location on the site, etc.); however, all trees on the site should not be grouped together. The Planning Board found that review of the requested variance be deferred until the time of preliminary plan when additional site design information at a larger scale will be available.

A revised statement of justification for the proposed removal of specimen trees shall be submitted with the preliminary plan application. The statement shall be based on a more detailed site design and shall also consider how each of the required findings have been met for each tree that is

proposed to be removed, as well as the individual rating of the trees which was identified in the natural resources inventory/forest stand delineation.

Section 25-122(d)(1)(B) requires that woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site be placed in a recorded woodland conservation easement. This is in conformance with the requirements of the Maryland Forest Conservation Act, which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP1 applications approved after September 1, 2010.

The recordation of a woodland conservation easement is required prior to signature approval of a Type 2 tree conservation plan (TCP2) for a development application that includes on-site woodland conservation areas.

Prior to signature approval of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”

This guidance is provided to advise applicants of this requirement and the timing impacts it may have on the approval of future development applications.

10. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. 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 tree canopy coverage requirement of 16.94 acres. Compliance with this requirement will be evaluated at the time of DSP; however, the submitted CSP provides a schedule showing that the applicant intends to comply with this requirement through the use of woodland conservation on-site.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Archeological Review**
Findings
 - (1) A Phase I archeological survey was conducted on the subject property in January and March 2011, and four archeological sites were identified. Site 18PR1016

consisted of a twentieth-century farm complex of three standing structures, two collapsed structures, two masonry features, and associated artifact scatter located in the east central part of the Stephen's Crossing property. No further work was recommended on Site 18PR1016 based on its twentieth century date, lack of stratigraphic integrity, and the limited number of artifacts recovered in the Phase I survey.

Site 18PR1017 is a small historic resource identified in a wooded area in the eastern portion of the study area. The site was thought to be confined to the plow zone and contained few artifacts. Therefore, no further work was recommended.

Site 18PR1018 is another small historic artifact scatter located in the eastern portion of the study area. The site was thought to be confined to the plow zone and contained few artifacts. Therefore, no further work was recommended.

Site 18PR1019 is a medium-sized historic resource located in the southern portion of the study area along Brandywine Road (MD 381). The site was thought to be confined to the plow zone and lacked stratigraphic integrity. Therefore, no further work was recommended.

The Planning Board concurred with the report's recommendation and conclusion that Sites 18PR1016 and 18PR1019 lacked research potential and no further archeological investigations were requested. However, the Planning Board did not concur with the report's recommendation and conclusion that Sites 18PR1017 and 18PR1018 lacked research potential. Although Sites 18PR1017 and 18PR1018 are located in actively plowed agricultural fields, there was the possibility that there were intact subsurface features below the plow zone that had not yet been identified. Therefore, the Planning Board found that Phase II investigations be conducted on Sites 18PR1017 and 18PR1018.

- (2) The Phase I archeological report was reviewed by the Maryland Historical Trust (MHT) in anticipation of the application for federal and state wetlands 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.

- (3) Phase II archeological evaluation of Sites 18PR1017 and 18PR1018 was conducted in December 2011. Fieldwork on Sites 18PR1017 and 18PR1018 consisted first of the excavation of 167 close-interval shovel test pits (STPs). Forty-five of the STPs contained cultural material and 82 prehistoric, historic, and modern artifacts were recovered. The STP survey data was used to position eight, three by three-foot units across the site area. All of the STPs and test units exhibited a plow zone stratum directly above the natural subsoil.

In total, 16 prehistoric, 344 historic, and 87 modern artifacts were recovered from the STPs and test units excavated as part of the Phase II survey. The prehistoric artifacts included fire-cracked rock, primary and secondary waste, and shatter. Most of the historic artifacts were architectural or domestic and are typical of a rural domestic site. Sites 18PR1017 and 18PR1018 represent two separate historic rural domestic occupations, one dating to the mid-eighteenth to early nineteenth century, and the latter to the late nineteenth to mid-twentieth century.

Historical research shows that the land on which Sites 18PR1017 and 18PR1018 are located were once part of a tract of land patented as "Widow's Trouble." Thomas Blandford acquired the 1,650-acre tract in 1737. At his death, the land was divided among his children and the portion on which Sites 18PR1017 and 18PR1018 are located is believed to have been devised to Thomas Blandford's daughter, Margaret Hagen. Thomas Blacklock acquired a portion of the Widow's Trouble survey from the Hagens in 1756. William Taylor owned the portion of Widow's Trouble where the sites are located in the 1770s and 1780s. By the 1820s, John Townshend had acquired a large number of parcels within and in the vicinity of the subject property. Sites 18PR1017 and 18PR1018 probably represent the homestead of the Hagens, Blacklocks, and Taylors from the mid-eighteenth to the early nineteenth century.

No intact cultural features were identified in the Phase II investigations. Sites 18PR1017 and 18PR1018 are interpreted as eighteenth through twentieth century domestic resources. A mid-eighteenth to early nineteenth century domestic residential component was identified in the west central portion of the site. A late nineteenth to mid-twentieth century domestic occupation was identified in the northwestern portion of the site. A prehistoric component was also defined in the southeastern part of the site.

Based on the distribution of brick, it was concluded that the earlier dwelling was of frame or wood construction and likely contained a single brick chimney. However, no intact features were identified and the number and types of artifacts recovered were limited. There were also no intact features found in association

with the prehistoric component of Sites 18PR1017 and 18PR1018. The artifacts were poorly preserved, mixed, and limited in terms of quantity and type, and the materials were confined to soils with poor stratigraphic integrity. Therefore, the site contains limited research value, and no further archeological work was recommended. The Planning Board concurs that, due to the lack of stratigraphic integrity and the limited research potential of Sites 18PR1017 and 18PR1018, no additional archeological work is necessary on that site.

Conclusions

- (1) Phase I and II archeological investigations were conducted on the subject property. The applicant submitted four copies of the final reports for the Phase I and Phase II studies. Archeological Sites 18PR1016, 18PR1017, 18PR1018, and 18PR1019 did not contain intact features or stratigraphy and, therefore, contain limited research value. No further work is recommended on any of the four archeological sites identified on the subject property.
- (2) Phase I and II investigations produced significant historical information on the subject property. The applicant should work with Historic Preservation staff to develop interpretive signage that will convey the historical significance of the archeological sites identified on the subject property to the public.
- (3) Based on the historical background research on the subject property, the applicant should work with Historic Preservation staff to develop historical names for the streets within the development.
- (4) U.S. Army Corps of Engineers archeologists and MHT have reviewed the Phase I archeological report and the Determination of Eligibility form for the buildings located on the subject property. MHT concurred with the report's recommendations and conclusions that no further work was necessary on Archeological Sites 18PR1016, 18PR1017, 18PR1018, and 18PR1019, and that the buildings were not eligible for listing in the National Register of Historic Places. MHT concluded that no additional consultation is necessary for the purpose of Section 106 of the National Historic Preservation Act or the Maryland Historical Trust Act.

Conditions

- (1) Prior to the approval of the associated preliminary plan application by the Planning Board, the applicant shall consult with Historic Preservation staff to develop traditional names for the streets included in the subject application, rather than the proposed names, which do not appear to have a historic relationship to the property.

- (2) Prior to approval of any DSP, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to review approval by Historic Preservation staff. The DSP shall include the timing for the installation of the signage and the implementation of public outreach measures.
- (3) Prior to approval of any ground disturbance or grading permits, the applicant shall deliver all artifacts and appropriate associated documentation to the Maryland State Archeological Conservation Laboratory for curation, and shall provide documentation of the state's acceptance of the materials to the M-NCPPC Planning Department's archeologist.

The archeological conditions have been included in this approval with some minor adjustments to timing.

- b. **Community Planning**—This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier in that it proposes to develop a moderate-density, suburban, residential community and incorporates elements that accommodate future transit service.

The 2013 Subregion 5 Master Plan and SMA recommends mixed-use development for the subject property. Although the future land uses envisioned in the master plan are commercial, employment, and light industrial, the accompanying sectional map amendment implemented the recommended land use by rezoning the subject property from the I-1 Zone to the M-X-T Zone, which allows the residential and retail uses proposed in this application. As such, this application generally conforms to the Subregion 5 Master Plan.

The master plan recommends mixed-use development as the future land use on the subject property (page 31). This application proposes to develop a moderate-density residential community, including commercial uses, and incorporates connectivity features to complement future transit service.

Sidewalks proposed in the subject application circulate people within the development and provide non-vehicular connections to destinations outside Stephens Crossing, equally important to promoting healthy lifestyles and community-building. Consistent with the master plan objective of creating walkable communities, this feature will facilitate walking or bicycling to the anticipated future transit facilities in the Branch Avenue (MD 5) corridor as well as to destinations in the surrounding community, such as the planned Brandywine Community Park, Gwynn Park Middle and High Schools, Brandywine Elementary School, the Brandywine Post Office, churches, and retail establishments on Brandywine Road, east of this property.

Along Brandywine Road (MD 381) and Missouri Avenue (P-504), the current CSP indicates that sidewalks will be constructed along the bridge crossing over Timothy Branch, and conterminous with the eastern boundary of Outlot A and Lot 10, respectively. Closing gaps in these sidewalks is needed to connect destinations. Specifically, along the private properties fronting the west side of Missouri Avenue from Stephen's Crossing south of Lot 10 to MD 381 (at the elementary school), and along a segment of MD 381 between the bridge over Timothy Branch and Mattawoman Drive. The latter segment is owned by Washington Gas. Completing these sidewalk segments would foster community-building and promote healthy communities as they would enable the residents of Stephen's Crossing to safely walk or bike to nearby destinations within the greater Brandywine community.

Brandywine Road is identified as a historic roadway. As such, development design that is appropriate in the context of a right-of-way adjacent to a historic roadway shall be provided. In addition, as per comments from the Historic Preservation Section, street names and historic markers to reflect the area's history should be provided coincident with this development.

Section 27-546(d)(2) of the Zoning Ordinance states: "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 master plan does not contain a design concept for the subject property, or corresponding design guidelines and standards for evaluating conformance with a design concept.

This property is within the Joint Base Andrews Naval Air Facility Washington (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. This property is within the 65 dBA Ldn and above noise contour. Therefore, noise attenuation is required for dwellings. The property is not in an accident potential zone. The ILUC features should be noted on the site plan.

Off-site sidewalk improvements will have to be reviewed further at the time of preliminary plan when adequate facilities are considered. Conditions have been included in this approval regarding Brandywine Road and the ILUC features to address the comments.

- c. **Transportation Planning**—The proposal is a CSP for M-X-T property that was rezoned through a sectional map amendment approved in 2013 as a part of the Subregion 5 Master Plan and SMA. In circumstances where the M-X-T Zone was granted by means of a sectional map amendment, Section 27-546(b)(8) of the Zoning Ordinance requires a transportation adequacy test. For that reason, a traffic study has been prepared and submitted for review.

The application is a CSP for a mixed-use development consisting of the following uses (with the commercial uses as described in the traffic study and with the residential uses in accordance with the current submitted CSP) having the following trip generation:

CSP-09003, M-X-T, Stephens Crossing	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Residential								
Townhouse	455	units	64	255	319	237	127	354
Two over Two Units	150	units	21	84	105	78	42	120
Multifamily	785	units	82	326	408	306	165	471
Less Internal Trips			-8	-24	-32	-63	-41	-104
Commercial								
Retail (total trips)	200,000	sq. ft.	148	90	238	457	496	953
Less Internal Trips			-17	-13	-30	-50	-71	-121
Less 40 percent Pass-By Trips			-52	-31	-83	-163	-170	-333
Retail (net trips)			79	46	125	244	255	499
General Office	100,000	sq. ft.	180	20	200	35	150	185
Less Internal Trips			-14	-2	-16	-11	-12	-23
Total			404	705	1109	826	686	1512

The trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines).

The traffic generated by the proposed plan would impact the following intersections, interchanges, and links in the transportation system:

- US 301 and Mattawoman Drive (future/signalized)
- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381 (signalized)
- MD 381 and Mattawoman Drive (signalized)
- MD 5 and A-63 (signalized)
- Dyson Road and A-63 (signalized)
- US 301/MD 5 and Chadds Ford Drive (signalized)
- US 301/MD 5 and Matapeake Business Drive (signalized)
- US 301/MD 5 and Cedarville Road/McKendree Road (signalized)

The application is supported by the original traffic study dated March 2010 and updated with new counts and new analyses in July 2012, with both studies provided by the applicant. It shall be noted that the initial traffic study was done and submitted when the application was submitted in August 2010. The application has remained active since its filing; the updated traffic study was done at a time when it appeared that the application

might move forward. In accordance with the "Transportation Review Guidelines, Part 1," the study can be used to make the required findings for this case. It is noted, however, that a new traffic study will be needed at the time this site advances to the preliminary plan stage.

This study was referred to the Maryland State Highway Administration (SHA) and the Prince George's County Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings outlined below are based upon a review of these materials and analyses, consistent with the Guidelines.

The subject property is located within the Developing Tier, as defined in the 2002 General Plan. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in January 2012 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	Future	Future	--	--
MD 5 and Brandywine Road	1,477	1,377	E	D
US 301 and MD 381	1,281	1,077	C	B
MD 381 and Mattawoman Drive	534	420	A	A
MD 5 and A-63	Future	Future	--	--
Dyson Road and A-63	Future	Future	--	--
US 301/MD 5 and Chadds Ford Drive	1,014	1,502	B	E
US 301/MD 5 and Matapeake Business Drive	959	1,567	A	E
US 301/MD 5 and Cedarville/McKendree Road	1,138	1,765	B	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

With one exception, none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). There are programmed improvements being constructed by SHA at the intersection of MD 5 and Brandywine Road (MD 381). These improvements were open to traffic at the time the existing counts were taken and, for that reason, these improvements do not have an impact on background traffic. Also, the US 301/Mattawoman Drive intersection is assumed to be in place as a future condition because an adjacent approved development is required to construct that intersection. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,572	1,574	E	E
MD 5 and Brandywine Road	2,729	2,751	F	F
US 301 and MD 381	2,355	2,283	F	F
MD 381 and Mattawoman Drive	1,291	1,346	C	D
MD 5 and A-63	Future	Future	--	--
Dyson Road and A-63	Future	Future	--	--
US 301/MD 5 and Chadds Ford Drive	1,442	2,264	D	F
US 301/MD 5 and Matapeake Business Drive	1,339	2,357	D	F
US 301/MD 5 and Cedarville/McKendree Road	1,735	2,621	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,369	1,629	D	F
MD 5 and Brandywine Road	2,907	2,994	F	F
US 301 and MD 381	2,285	2,502	F	F
MD 381 and Mattawoman Drive	1,554	1,549	E	E
MD 5 and A-63	Future	Future	--	--
Dyson Road and A-63	Future	Future	--	--
US 301/MD 5 and Chadds Ford Drive	1,364	2,220	D	F
US 301/MD 5 and Matapeake Business Drive	1,275	2,311	C	F
US 301/MD 5 and Cedarville/McKendree Road	1,641	2,600	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that all of the critical intersections operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area as a part of the expenditure of the required road club fees (as described later):

- Signalization and dual southbound left-turn lanes are proposed along US 301 at Mattawoman Drive. A northbound right-turn lane is proposed along US 301 at Mattawoman Drive. The east leg of the intersection (the Mattawoman Drive approach from the south/east) is proposed to be five lanes, configured with two left-turn lanes, two through lanes, and one right-turn lane.
- The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and an eastbound left-turn lane and westbound right-turn lane along MD 381 at Mattawoman Drive is proposed.
- As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, another property will be extending Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site and other properties off of portions of US 301/MD 5.
- The subject site is required to contribute to the Brandywine Road Club. The level of this contribution will be determined during the review of the preliminary plan. It is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
 - (1) The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1990, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. However, since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county CIP or the state's CTP that suggests that needed improvements are funded for construction.
 - (2) County Council Resolution CR-61-2011 clarified and allowed the use of the Brandywine Road Club as a means of determining transportation adequacy for properties located entirely within mixed-use zones. Given that the subject property is zoned M-X-T, one of the mixed-use zones

cited in CR-61-2011, it has been determined that the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council Resolution.

- (3) Council Resolution CR-61-2011, while clarifying the use of the Brandywine Road Club as a means of determining transportation adequacy for properties located entirely within mixed-use zones, also directed that funds paid into the Brandywine Road Club or funds contributed in the future, may be used to assist in the construction of A-63 between MD 381 and the MD 5 interchange. The subject traffic study directs that this connection should be made a priority as a means of providing a local roadway reliever route for portions of US 301 and MD 5 that experience failing conditions due to heavy through traffic.

For the reasons described above, the use of the Brandywine Road Club as a means (in part) of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if improvements at the intersections within the study area as proffered and described above are constructed and there is participation in the Brandywine Road Club.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2012 traffic study and the key connections of A-63 and Mattawoman Drive as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS WITH ALL IMPROVEMENTS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,445	1,523	D	E
MD 5 and Brandywine Road	1,309	1,787	D	F
US 301 and MD 381	1,074	1,362	B	D
MD 381 and Mattawoman Drive	973	921	A	A
MD 5 and A-63	1,140	1,252	B	C
Dyson Road and A-63	1,428	1,254	D	C
US 301/MD 5 and Chadds Ford Drive	1,336	2,146	D	F
US 301/MD 5 and Matapeake Business Drive	1,291	2,315	C	F
US 301/MD 5 and Cedarville/McKendree Road	1,641	2,600	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The traffic study was referred to and reviewed by DPW&T and SHA. They raised four issues that require discussion:

- DPW&T has indicated that it is the developer's responsibility to fund and construct the missing link of A-63 between MD 381 and US 301 and all associated intersection improvements, including traffic signals if deemed warranted, that are needed to complete the connections to the main roadways. This will be made a requirement of this plan.
- DPW&T indicated that an at-grade intersection would not be permitted by the state at US 301/Mattawoman Drive prior to construction of the future interchange. Given that the interchange is not funded for construction at this time and that SHA has control over the permitting process at this location, this determination is rightly deferred to SHA. That agency may determine that an at-grade intersection at this location would be acceptable as an interim condition.
- SHA commented that the MD 5/Brandywine Road intersection is shown incorrectly and not analyzed properly under existing traffic. This is so noted; however, the total traffic conditions are based upon the correct lane configurations.
- SHA commented that the lane configuration at US 301/MD 5/Clymer Road/Matapeake Business Drive is incorrect in the study. This has been checked; the lane use in the traffic study is correct. Prior studies may have shown this

intersection in a different configuration, but the intersection has since been improved.

- SHA objects to the use of the road club as a means of satisfying adequacy requirements. Specifically, SHA requests that the study show improvements at the various intersections in the study area. SHA has offered similar comments regarding developments in the Brandywine area during recent years. However, the Brandywine Road Club was created to help fund adequate improvements for the area over the long term. Other applicants have done improvements in their immediate area to assist traffic movement in the near term, but applicants have not been strictly required to offset all traffic impacts. By means of three separate resolutions of the Prince George's County Council (CR-60-1993, CR-33-2011, and CR-61-2011), the Council has clarified the role of the Brandywine Road Club in approving development in the Brandywine area.
- SHA noted that the timing for the need to signalize state-maintained intersections must be coordinated with SHA. This is understood. At this stage of review of the project, conditions incorporate some flexibility and will be made more specific with a new traffic study and further review at the time of preliminary plan.

Plan Comments

The site is affected by several facilities shown on the 2009 *Approved Countywide Master Plan of Transportation* (MPOT):

- Mattawoman Drive (A-63) is a master plan arterial facility, and Cattail Way (C-610) is a master plan collector facility. The rights-of-way have been previously dedicated, and further dedication along these facilities will not be required.
- Brandywine Road (MD 381) along the entire frontage of this site is a master plan collector facility, C-613. When reviewed, the preliminary plan should demonstrate dedication of 40 feet from centerline along MD 381. On the CSP, the C-613 facility extends along the site's entire MD 381 frontage.
- The master plan includes US 301 as a freeway facility (F-10) with a planned interchange at the intersection of US 301 and A-63. The CSP reflects the limits of the right-of-way of this interchange, but proposes a portion of the development area associated with the multifamily housing to extend within the right-of-way. The preliminary plan shall consider rights-of-way preservation strategies for this interchange, and the limits of the interchange vis-à-vis the development shall be determined in consultation with SHA at that time.
- The Subregion 5 Master Plan and SMA reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. While early discussions

considered routing this facility along A-63, the current preferred alignment is closer to MD 5 and does not touch this property.

Based on the preceding findings, the Planning Board found that the transportation facilities will be adequate to carry anticipated traffic for the proposed development as required under Section 27-546(d)(9) of the Zoning Ordinance, and otherwise meet the transportation-related requirements for approval of a CSP with the following conditions:

- (1) At the time of preliminary plan approval, the plan shall address the following rights-of-way:
 - (a) Dedication of a right-of-way of 40 feet from centerline along C-613 (Brandywine Road, MD 381), along the site's frontage.
 - (b) Right-of-way preservation for the planned interchange at the intersection of US 301 and A-63, with the limits of the interchange vis-à-vis the development to be determined in consultation with SHA at that time.
- (2) The preliminary plan recommendations shall include the following transportation improvements, or similar equivalent improvements, as proffered in the July 2010 traffic impact study:
 - (a) Provision of signalization and dual southbound left-turn lanes along US 301 at Mattawoman Drive, provision of a northbound right-turn lane along US 301 at Mattawoman Drive, and provision of the east leg of the intersection (the Mattawoman Drive approach from the south/east) as five lanes, configured with two left-turn lanes, two through lanes, and one right-turn lane.
 - (b) Provision of signalization at the MD 381/Mattawoman Drive intersection and provision of an eastbound left-turn lane and westbound right-turn lane along MD 381 at Mattawoman Drive.
- (3) The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion 5 Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is

deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

- A fee calculated as $\$1.41 \text{ per gross square foot of space } X \text{ (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.
- For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as $\$1,187 \text{ X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.
- For each multifamily unit, a fee calculated as $\$886 \text{ X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members, or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- (a) Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- (b) Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- (c) Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.

- (d) Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
 - (e) Reconstruct the traffic signal at US 301/MD 381.
 - (f) Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - (g) Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
 - (h) Reconstruct the traffic signal at MD 5/Brandywine Road.
 - (i) Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - (j) Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - (k) Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
 - (l) Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - (m) Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
4. Total development of the overall site shall be limited to uses that would generate no more than 1,109 AM and 1,512 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein-above shall require an amendment to the CSP with a new review of the finding associated with Section 27-546(d)(9).

The transportation conditions have been included in this approval.

- d. **Subdivision Review**—Preliminary Plan of Subdivision 4-90045 for a single industrial use for the entire property was approved by the Planning Board and the resolution (PGCPB No. 90-230), with 16 conditions, was adopted on July 31, 2000. The preliminary plan approved 31 lots, 3 parcels, and 2 outlots for a total of 195.91 acres. The property has

been platted with 27 lots and 3 parcels in Plat Book REP 209-15 to 209-19. The subject 169.34 acres, which was part of Preliminary Plan 4-90045, was rezoned to the M-X-T Zone from the I-1 Zone through the 2013 Subregion 5 Master Plan and SMA. The applicant is now proposing a mixed-use development on the property (Lots 2-21 and 23-27, Parcels A-C, and Outlot A), which will require a new preliminary plan and subsequent DSP and final plat approval. Condition 5 of PGCPB Resolution No. 90-230 is as follows:

- 5. Total development of this 195.91-acre site shall be limited to 1,125,000 square feet of warehouse space and 375,000 square feet of office space or different uses generating no more than the number of peak hour trips (1,200 AM peak hour trips and 1,144 PM peak hour trips) generated by the above development. Any development other than that identified herein above which generates more than this identified number of trips shall require an additional Preliminary Plat of Subdivision with a new traffic study in order to determine the adequacy of transportation facilities.**

This trip cap applies to the entire Brandywine Business Park (195.91 acres) for land that is the subject of 4-90045. A new preliminary plan is required to address the alteration and the required findings of Subtitle 24 of the Prince George's County Code, which includes adequate transportation facilities, as residential uses were not contemplated on the property with the approval of 4-90045. The applicant has filed a new Preliminary Plan, 4-11004, which has not yet been accepted.

Section 24-128, Private roads and easements, of the Subdivision Regulations discusses road layout for a new subdivision. Specifically, in this instance, the property is subject to Section 24-128(b)(7)(A) which provides:

- (7) In Comprehensive Design and Mixed Use Zones:**
 - (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an**

“alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

- (i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.**
- (ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Environmental Resources or the Department of Public Works and Transportation.**

The CSP shows multifamily dwellings on six separate parcels, with only one parcel having direct access to a public street. Pursuant to Section 24-128(b)(7)(A), a private street is not permitted to serve the multifamily parcels. Prior to approval of the CSP, the site plan should be revised to conform to the above regulation.

The proposed townhouse layout utilizes 22-foot-wide and 44-foot-wide private streets. Some of the 22-foot-wide private streets are shown without proper turnarounds or adequate connections being provided. A connection from the private street to the commercial parcel at the northeastern quadrant, at the intersection of Mattawoman Drive and Cattail Way, should be provided with a private access easement across the commercial property. The CSP does not show any street trees for the 22-foot-wide private street, which are required pursuant to Section 4.10, Street Trees along Private Streets, of the 2010 Landscape Manual and may result in the need to increase the width of the private streets. A variation request to Section 24-128(b)(7)(A) would be required at the time of preliminary plan to allow the fronting of townhouses on a private street, rather than a public street, and for the use of alleys. If a variation is filed, the design of the alleys will be reviewed and the applicant should anticipate possible modifications to the layout.

The subject site includes the area of public rights-of-way of Mattawoman Drive, Cattail Way, Daffodil Court, and Sparrow Court, which have been dedicated to public use on the current record plat. The CSP shows commercial buildings over part of Cattail Way, townhouse lots over part of Sparrow Court, and a realignment of Daffodil Court. Approval of a vacation petition, in accordance with Section 24-112 of the Subdivision Regulations,

must be obtained prior to approval of the final plat for proposed lots and parcels that will be incorporating the existing rights-of-way.

The proposed stormwater management ponds are shown to be very close to some of the townhouse lots in the southern section of the site. The CSP should be redesigned so that grading for the ponds is not sited abutting residential lot lines. The relationship of the stormwater ponds to the residential lots will be evaluated further at the time of preliminary plan when there is a more detailed site layout and grading plan.

Consideration should be given to creating a similar green space corridor on the southern side of Cattail Way to match the green space corridor on the northern side leading to the club house. The townhouse block fronting Cattail Way on the southern side appears exceedingly monotonous at 900 linear feet. Extending the green space corridor to the southern side of the right-of-way would create a stronger visual linkage for the community and to highlight the importance of the community club house. The redesign of this area should consider providing streets and pedestrian connections flanking each side of the green space corridor.

A more detailed review of the lot and parcel layout, circulation, and the relationship of land uses will occur at the time of preliminary plan review.

- (1) Prior to approval of the preliminary plan, the following issues (but not limited to) shall be addressed and may result in a loss of lots:
 - (a) Provide proper turnarounds and connections for all private and public streets.
 - (b) Provide opportunities for more spacing between stormwater management ponds and the townhouse lots in the southern section of the site.
 - (c) Provide appropriate green space on the southern side of Cattail Way.
 - (d) Evaluate the lot layout for adequate public facilities, including transportation, environmental, and park and recreation, in accordance with Subtitle 24.

There are no other subdivision issues at this time.

The subdivision conditions have been included in this resolution, except for the condition regarding the green space on the southern side of Cattail Way which was already shown on revised CSP plans. In regard to the parceling of the multifamily dwellings, the CSP only shows proposed phases of the multifamily area, not parcels. This issue will be further reviewed and addressed at the time of preliminary plan.

- e. **Trails**—Policy 2 of the Trails, Bikeways, and Pedestrian Mobility section of the functional master plan recommends providing adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers. Both the functional and area master plans recommend that pedestrian and bicycle facilities be constructed as part of new development in the Brandywine area, and that Brandywine Road (MD 381), Mattawoman Drive (A-63), and Missouri Avenue contain bikeways. The plans also recommend the Timothy Branch Stream Valley Trail.

To improve connectivity within the region, the area master plan recommends a variety of trails to improve the multi-modal transportation network in Subregion 5 (page 118). Recommendations are provided for on-road dual-route bicycle facilities, sidewalks, and off-road trails.

The area master plan recommends a “dual route” bikeway on Brandywine Road between Woodyard Road (MD 223) and the Charles County line. A dual route bikeway contains both an on-road bikeway and a sidepath for multi-use purposes, including bikes, pedestrians, and other trail users. Mattawoman Drive is recommended to contain a sidepath. Missouri Avenue is recommended for bicycle use in a shared-lane configuration. The area master plan recommends that sidewalks be constructed throughout Brandywine (page 116).

The area master plan recommends that development in Brandywine should be connected together by pedestrian and bicycle networks. The plan recommends that developers provide bicycle parking, lockers (if they are major employers), bicycle-friendly intersection improvements, and trail connections as part of development proposals (page 122).

The proposed circulation system includes bikeways, sidewalks, and trails on and connecting to Mattawoman Drive, Brandywine Road, Missouri Avenue, Cattail Way, and Daffodil Court. The proposal does not conflict with the functional or area master plan in terms of the rights-of-way and provision for pedestrian and bicycle facilities (see the table below).

Table 1. Master Plan Recommended Pedestrian and Bicycle Facilities

Name	Functional and Area Master Plan Bicycle Recommendations	Applicant's Proposed Bicycle Accommodations	Conceptual Site Plan CSP-09003 Discussion/Recommendation
Mattawoman Drive (A-63)	Sidepath and Sidewalks	Constructed Sidepath and Sidewalks	The sidepath on the east side of the road is being coordinated with other area development to the south, and is adequate. Sidewalks are proposed on the west side of the road.
Brandywine Road (C-613)	Bicycle Lanes and Sidewalks	Rights-of-way for future Bicycle Lanes and Constructed Sidepath (Dual Route)	The dual route is adequate and the sidepath will not conflict with the area master plan's sidewalk recommendations because pedestrians can use the sidepath, and it is recommended to be concrete. The sidepath on Brandywine Road along the subject property frontage should be continuous, where feasible, unless modified by SHA. The proposal should include sufficient dedication for bicycle lanes on Brandywine Road so that they may be constructed by the State in the future.
Missouri Avenue	Shared Lane	Side Path (Multi-use pathway)	The proposed sidepath would provide an enhanced user experience and will not preclude DPW&T from further development of Missouri Avenue for shared lane configurations.
Cattail Way (C-610)	Sidewalks	Sidepath and Sidewalks	The sidepath will provide access to development to the north of Cattail Way. The sidewalks are consistent with the area master plan recommendations.
Daffodil Court	Sidewalks	Sidepath and Sidewalks	The sidepath will provide access to development on the north side of Cattail Way. The sidewalks are consistent with the area master plan recommendations.

Name	Functional and Area Master Plan Bicycle Recommendations	Applicant's Proposed Bicycle Accommodations	Conceptual Site Plan CSP-09003 Discussion/Recommendation
Timothy Branch Stream Valley	Recreation Trail	Trail Connections from sections of the development to the adjacent proposed MNCPPC park Trail connections to Cattail Way and Daffodil Court. Internal Trails	The proposed trails are consistent with the area master plan recommendations. Because the stream valley trail that is recommended in the MPOT is not proposed to be a MNCPPC Park, the applicant is providing trail connections to the future public park and interior trails that connect to other internal residential, recreational, and commercial sections of the development. The Planning Board found that a pathway connection be made to the west that connects Mattawoman Drive to the multifamily housing on Daffodil Court. However, steep slopes exist in this area.
Internal Roads	Sidewalks	Sidewalks	Sidewalks are being provided along all of the internal roads and within the commercial shopping area. A sidepath connection is proposed to the shopping area. The sidewalks are consistent with the area master plan recommendations.

At the time of DSP, the proposal should contain safety measures, such as pedestrian refuges at road intersections and crosswalks.

The Cattail Way sidepath is shown on both sides of Cattail Way. However, the sidepath should be on only one side of the road and continuous for the entire length of the road between Mattawoman Drive and Missouri Avenue.

If trail locations and alignments bring the trails close to residential lots, it is recommended that, prior to final plat approval, a draft Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying future contract purchasers of homes of the existence of a master plan public trail.

A long drive aisle is the proposed vehicular access to the multifamily units on Daffodil Court. A trail connection is recommended that connects the proposed multifamily units on Daffodil Court directly to Mattawoman Drive to the west.

There is a lack of structured parking for the multifamily units. If structured parking were proposed, then a more complete street with lighting, sidewalks, and more green space could be provided for the multifamily units.

There are long block lengths on Cattail Way. Increasing the intersection density of the subdivision could enhance walkability. The Planning Board found that long blocks on Cattail Way shall be shortened, where feasible, to promote walkability.

Based on the preceding analysis, the Planning Board found that adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision if the application were to be approved with the following conditions:

- (1) Provide a minimum eight-foot-wide continuous concrete sidepath along the subject site's entire frontage of Brandywine Road (MD 381), subject to modification by SHA.
- (2) Provide sufficient dedication on the preliminary plan along Brandywine Road (MD 381) for on-road bike lanes in accordance with SHA standards and American Association of State Highway and Transportation Officials (AASHTO) guidance, subject to approval by SHA.
- (3) Provide a minimum eight-foot-wide concrete sidepath on the east side of Mattawoman Drive (A63) between Brandywine Road and US 301.
- (4) Provide a minimum eight-foot-wide, continuous, concrete sidepath that connects the commercial-retail area to the concrete sidepath on Mattawoman Drive (A-63).
- (5) Provide a minimum eight-foot-wide, continuous, concrete sidepath on one side of Cattail Way between Mattawoman Drive and Missouri Avenue.
- (6) Provide continuous sidewalks adjacent to all of the commercial buildings.
- (7) Provide continuous sidewalks along both sides of all roads (excluding alleys). Sidepaths may be provided on some roads in lieu of the sidewalk on one side of the road (e.g. Daffodil Court, Cattail Way).
- (8) Bus transit stop locations shall be provided on the DSP and indicated as "Conceptual Bus" or "Conceptual Transit Stop Location," as indicated on area and functional master plans or on capital improvement project maps.
- (9) Provide a trail connection that connects the proposed multifamily units on Daffodil Court directly to Mattawoman Drive to the west.
- (10) At the time of DSP review, provide pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming and safety devices on all roads per DPW&T standards and with AASHTO guidance. Details of the pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming devices shall be shown on the DSP and are subject to modification by DPW&T.

- (11) At the time of DSP review, provide street and road cross section details for all of the proposed public and private rights-of way, including major lane configuration transitions, on-road bike lanes, landscaped areas, sidewalks and sidepaths, and lighting, per SHA and DPW&T standards.
- (12) All trail connectors to the proposed park to the east shall be provided on the DSP and shall be constructed to meet *Parks and Recreation Facilities Guidelines*, unless modified by the Prince George's County Department of Parks and Recreation.
- (13) Details of the internal public trail system shall be provided at the time of DSP. If the trail locations and alignments bring the trails close to residential lots, it is recommended that, prior to final plat approval, a draft declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying future contract purchasers of homes of the existence of a master plan public trail.
- (14) Provide bicycle parking in major transit locations and within all new employment-related development and recreational uses on-site. Provide bicycle parking details for all bicycle parking.
- (15) Long blocks of structures on the south side of Cattail Way shall be split, either with a road or path, to promote walkability.

The trail conditions have either been addressed through revisions to the plan or have been included in this approval.

- f. **Department of Parks and Recreation (DPR)**—The subject property consists of 169.34 acres of land located south of Crain Highway (US 301) and northeast of Brandywine Road (MD 381), zoned M-X-T. The property is adjacent to the undeveloped 62-acre Brandywine Area Community Park.

The applicant's proposal indicates that 750 residential dwelling units will be provided as part of the planned development, consisting of single-family and multifamily dwelling units. Using current occupancy statistics for single-family and multifamily dwelling units leads to a conclusion that the proposed development would result in an increase of 2,122 additional residents in the Brandywine area. The addition of 2,122 new residents to the existing Brandywine community would significantly impact existing public recreational facilities and, as a result, it is logically anticipated that demand for public parkland and public recreational facilities, such as football, soccer and baseball fields, basketball and tennis courts, playgrounds, and picnic areas, will increase.

The General Plan establishes objectives related to the provision of public parkland. It indicates that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 population and 20 acres of regional, countywide, and special M-NCPPC regional parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (3,328), it was determined that 32 acres of local and 42 acres of regional public parkland suitable for active recreation will be needed to serve the proposed development.

Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 10.5 acres of parkland suitable for active and passive recreation to serve the proposed development. DPR staff evaluated the project area along the eastern property line next to the Brandywine Area Community Park and found that this area includes floodplain, a creek, and wetlands, and that there is not much developable land at this location. In addition, the limited amount of developable area at that location is separated from the adjoining parkland by a creek, floodplain, and wetlands. For all of these reasons, DPR staff concluded that is not desirable to require the dedication of parkland.

Section 24-135 of the Subdivision Regulations states that the Planning Board may require the payment of a fee-in-lieu of dedication equal to five percent of the total new market value of the land as stated on the final assessment notice issued by the Maryland Department of Assessments and Taxation, when it finds that dedication of parkland is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision. The fee shall be paid prior to recording the subdivision and shall be used by the Commission to purchase or improve parkland for the benefit of the future residents of the area.

The subject property is located next to the 62-acre Brandywine Area Community Park. Brandywine Community Park is undeveloped. However, planning for the construction of a new regional community center in this park is well underway. This facility is currently referred to as the Southern Area Aquatic and Recreation Complex, and will be 60,000–80,000 square feet in size and will include indoor aquatic space, a gymnasium, a fitness room, and flexible programmable space. The Southern Area Aquatic and Recreation Complex will be a multigenerational facility, as envisioned in the Adopted Formula 2040 Functional Master Plan for Parks, Recreation and Open Space. Multigenerational facilities provide an array of programs simultaneously to serve the recreation and leisure needs and interests of an entire family and community, not just one age group. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the recreation complex will be under construction in 2016. The residents of this development should be able to walk to this park since the applicant plans to provide an eight-foot-wide trail along Cattail Drive with safe road crossings throughout the project area.

During the review and approval of the Villages of Timothy Branch project (Comprehensive Design Plan CDP-0901 and 0902), which adjoins this project, the developer of that subdivision committed to the construction of a softball field, a soccer field, and a 65-space parking lot in the park. These recreational facilities will be incorporated into the park design to compliment the Southern Area Aquatic and Recreation Complex.

DPR staff met with the developer of Stephen's Crossing and discussed several options for applicant participation in the park development; however, after careful evaluation of the Southern Area Aquatic and Recreation Complex project schedule, size of the park, and existing conditions of the parkland, DPR staff determined that the design and construction of the facilities must be managed by DPR. DPR staff believes that the best option would be for the developer to provide a fee-in-lieu of mandatory dedication of parkland. The fee-in-lieu of dedication can be used for the outdoor recreational facilities that will complement the Southern Area Aquatic and Recreation Complex. DPR staff believes that the planned improvements in the park will satisfy the recreational needs of the planned residential communities.

DPR staff recommends to the Planning Board the following condition of approval of Conceptual Site Plan CSP-09003:

- (1) At the time of final plat, the applicant shall make a payment of a fee-in-lieu of mandatory dedication of parkland in accordance with Section 24-134 of the Subdivision Regulations. The fee-in-lieu shall be placed in Capital Improvement Program Account Code #764649 and used for the development of Brandywine Area Community Park.

The Planning Board found that this issue needs to be further reviewed and analyzed at the legally appropriate time, in conjunction with all other requirements, with the future required preliminary plan of subdivision application.

- g. **Public Facilities**—There are no public facility related comments on the subject development.
- h. **Environmental Planning**—The Planning Board reviewed an analysis of the application's conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO) incorporated into Finding 9 above, along with the following summarized comments:
 - (1) A revised Natural Resources Inventory, NRI-047-08-03, was originally approved in April 2012, and was subsequently revised and approved for revisions to the 100-year floodplain and wetlands based on a 100-year floodplain study and jurisdictional determination.

After approval of the revised NRI, the applicant's consultant met on-site with representatives of the U.S. Army Corps of Engineers and the Maryland Department of the Environment to discuss the wetlands permit, and a field decision determined that the revised wetland delineation was incorrect in extending the wetland system on Lots 24 and 25 north to Crain Highway (US 301). A further revision to the NRI was requested in order to remove the additional wetlands on these two lots. The most current NRI application (-04 revision) limiting the amount of nontidal wetlands and wetland buffers on Lots 24 and 25 was submitted and approved on December 26, 2013.

There is extensive primary management area (PMA) located on the site comprised of streams and wetlands, associated buffers, 100-year floodplain, and adjacent steep slopes. The forest stand delineation indicates the presence of three forest stands totaling 123.45 acres of the gross tract area acres and 56 specimen trees. Stands 1, 2, and 3 are mid-successional mixed hardwood forest.

Invasives comprise 20 percent or less of the herbaceous/woody layer in Stands 1 and 2, but may be more extensive in Stand 3, which may warrant an evaluation for invasive management in later phases of development application review. The revised information as shown on the NRI is correct and correctly shown on the revised CSP and Type 1 tree conservation plan (TCP1).

- (2) Nontidal wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the PMA on the subject property. Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible." A statement of justification, including 8.5 by 11 inch impact exhibits, was stamped as received on December 20, 2013 and reviewed as part of this application.

Section 27-274(a)(5)(B) of the Zoning Ordinance states that for all CSP applications: "The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5)."

Section 24-130(b)(5) of the Subdivision Regulations states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the

regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code. Impacts to regulated environmental features must first be avoided and then minimized. The statement of justification must address how each impact has been avoided and/or minimized.

The statement of justification and associated exhibits reflect twelve proposed impacts to regulated environmental features associated with the proposed development, and includes three different types of impacts: nontidal wetlands and wetland buffers, stream impacts, and floodplain impacts, both temporary and permanent. This application includes a request for approval of impacts to regulated environmental features totaling 1.21 acres. The permanent and temporary impacts total 177 linear feet of stream beds (perennial, intermittent, and ephemeral) and 0.34 acre of wetlands and 0.87 acre of wetland buffers. The request includes five stream crossings, two sewer lines, and two stormwater outfalls.

Description of Regulated Environmental Features On-site—The site contains a total of 43.82 acres of PMA. The PMA comprises approximately 6,676 linear feet of regulated streams (ephemeral, intermittent, and perennial) and associated 75-foot-wide buffers, as well as wetlands, wetland buffers, floodplain, and areas of steep slopes. The PMA bisects the site in several locations. The Timothy Branch creek is a perennial stream in good condition and enters the northern portion of the property and runs along the common boundary with the Brandywine Area Community Park, turning south and eventually exiting the subject property through a culvert underneath Brandywine Road. An associated unnamed tributary (also perennial in good condition) enters the property from the

west and intersects with the Timothy Branch creek on the east side of the property. A second associated unnamed tributary (ephemeral in good condition) parallels the southern boundary of the property running east onto the Washington Gas property and eventually exiting the property through a culvert underneath Brandywine Road. The corridors associated with each stream exceed 200 feet in width, with a majority of the corridor forested. The existing PMA is 26 percent of the total site area.

Specific Descriptions of Proposed Impacts, Justification of Avoidance and Minimization—The twelve separate impacts may contain one or more impacts, which are quantified and categorized as permanent or temporary. It should be noted that the statement of justification and accompanying exhibits are incorrect in the quantification and categorization of temporary and permanent impacts, and this evaluation is based on classification and quantification of impacts at this time, to the extent possible, at the conceptual scale.

Impact 1 is a proposed permanent impact of 12,773 square feet (0.29 acre) of wetland and wetland buffers for construction of Mattawoman Drive. These environmental impacts were previously approved as part of the prior preliminary plan to allow for the construction of master-planned roadways shown in the MPOT and previously dedicated right-of-way, and are not avoidable. The road crossing is proposed to be a bottomless arch over an unnamed tributary in order to minimize impacts. The Planning Board finds that the impacts have been minimized to the extent possible, and supports this impact as necessary for the development of the site.

Impact 2 is a proposed temporary impact of 293 square feet (0.007 acre) of wetland buffer for the construction of an outfall from a proposed underground stormwater management facility. The impact is necessary to conduct stormwater safely into the adjacent stream system. The impact is temporary. The Planning Board finds that the impact has been minimized to the extent possible and no mitigation is required because the impact is temporary. The Planning Board supports this impact as necessary for the development of the site.

Impact 3 was originally grouped with Impacts 4 and 5, but has been separated for evaluation purposes because the grouping was not appropriate. Impact 3 proposes permanent impacts to wetlands and wetland buffers of 4,265 square feet (0.11 acre) for the construction of Mattawoman Drive, a master-planned roadway within a dedicated right-of-way. The Planning Board finds that the impacts were previously approved, unavoidable based on the location of a master plan roadway, and have been minimized to the extent possible and, therefore, supports this impact as necessary to the development of the site.

Impact 4 is a proposed permanent impact of 3,953 square feet (0.08 acre) of wetland and wetland buffers for construction of an internal access road crossing a linear wetland system within the commercial area of the site. The need for this internal road crossing has not been justified, and alternative locations to minimize impacts have not been evaluated. The construction of the road crossing to minimize impacts has also not been specified. The Planning Board does not support this impact at this time because 1) insufficient information has been presented to support the need for the impact, 2) whether it is the minimum necessary, and 3) what mitigation measures, such as a bottomless arch, have been considered. Additional information regarding this impact must be provided at the time of preliminary plan for consideration.

Impact 5 is a proposed permanent impact of 6,627 square feet (0.15 acre) of wetland and wetland buffers for construction of an internal access road, parking lot, and building placed over an isolated wetland. Impacts to this isolated wetland, which does not appear to be part of any linked hydrologic system, appear to be justified to achieve the desired development density of the site. The Planning Board supports this impact as the minimum necessary for the development of the site.

Impacts 6A and 6B are two proposed permanent impacts totaling 100 linear feet for the crossing of two ephemeral streams in the commercial portion of the development. It appears that impacts have been minimized to the extent possible, and the placement of crossings and piping has been provided to maintain the hydrological system, or a stream entering the site from under US 301, which flows into the stream and wetland system flowing across the southern boundary of the site. The Planning Board supports this impact as the minimum necessary for the development of this site, and with appropriate mitigation provided.

Impact 7 is a proposed temporary impact to 21 linear feet of stream, 0.10 acre of wetland and wetland buffers, and 0.10 acre of floodplain for the installation of a public sewer extension to serve the proposed multifamily development located adjacent to US 301. This impact has been minimized to the extent possible, is necessary for the development of the northern portion of the site, and is temporary in nature. The Planning Board supports this impact.

Impacts 8A, 8B, and 8C are temporary and permanent impacts totaling 6,722 square feet (0.15 acre) of wetland and wetland buffers for the crossing of a stream for the construction of Daffodil Court, a previously dedicated right-of-way, necessary to access and develop the northern portion of the site. This will require the filling of 0.48 acre of 100-year floodplain, which will require the provision of compensatory storage. A bottomless arch is proposed to cross this stream. The Planning Board supports, in concept, this impact as necessary and consistent with prior approvals for development of the site, but believes

insufficient consideration has been given to alternatives to maintain the hydrologic system and 100-year floodplain in place, and is concerned that the proposed constraint will contribute to detrimental upstream ponding. The Planning Board found that additional information be provided at the time of PPS to show what alternatives have been evaluated to minimize the impacts proposed.

Impact 9 is a proposed temporary impact of 1,124 square feet (0.026 acre) to wetland buffer and floodplain and 146 square feet of permanent impacts for the construction of an outfall from a proposed underground stormwater management facility along the east side of Daffodil Court. The impact is necessary to conduct stormwater safely into the adjacent stream system, maintaining the hydrology of the site. The majority of the impacts are temporary, and the permanent impacts have been minimized to the extent possible. The Planning Board finds that the impacts have been minimized to the fullest extent possible, and supports this impact.

Impacts 10A and 10B are temporary and permanent impacts totaling 9,523 square feet (0.22. acre) of wetland and wetland buffers and 42, 421 square feet (0.97 acre) of permanent floodplain impacts for the crossing of a stream and the construction of Cattail Way, a previously dedicated right-of-way. The proposed filling of 0.97 acre of 100-year floodplain will require the provision of compensatory storage. A bottomless arch is proposed to cross this stream. The Planning Board supports, in concept, this impact as necessary for the orderly development of the site and it is consistent with prior approvals, but believes insufficient consideration has been given to alternatives to maintain the hydrologic system and 100-year floodplain in place. There is concern that the proposed constraint will contribute to upstream ponding and flooding. The Planning Board found that additional information shall be provided to show what alternatives have been evaluated to minimize the impacts proposed at the time of preliminary plan.

Impact 11B is a proposed temporary impact to 3,743 square feet (0.09 acre) of floodplain for the installation of a public sewer extension to serve the proposed development. This impact is temporary in nature and has been minimized to the fullest extent possible based on the location and configuration of the existing sewer line. The Planning Board supports this impact as necessary for development of the site.

Impact 11C is a proposed permanent impact to 38 linear feet of stream, 2,590 square feet (0.06 acre) of wetland and wetland buffers, a stormwater management facility, road widening, and sidewalk construction associated with Missouri Avenue. The location of these impacts cannot be altered due to the existing development character of the neighborhood. These impacts have been minimized to the extent possible and are required for the orderly development of the site. The Planning Board supports these impacts with appropriate mitigation.

Impact 12 is a proposed temporary impact to 6,333 square feet (0.15 acre) of floodplain for the installation of an outfall structure from a stormwater management facility, a permanent impact to 18 linear feet of stream, and 1,232 square feet (0.03 acre) of wetland and wetland buffers for the construction of a trail along Brandywine Road. The location of these impacts cannot be altered due to the existing development character of the neighborhood. The impacts have been minimized to the extent possible and are required for the orderly development of the site. The Planning Board supports these impacts with appropriate mitigation.

The Planning Board does not fully support all of the impacts proposed at this time because insufficient information has been presented to support the need for some impacts, whether it is the minimum necessary, and what mitigation measures, such as bottomless arches or alternative location, have been considered. Therefore, no impacts are approved at this time. Additional information regarding these impacts must be provided at the time of preliminary plan. It should also be noted that the tables quantifying the types of environmental impact (wetland, wetland buffer, and stream or 100-year floodplain) and characteristics (temporary or permanent) do not appear to accurately reflect the exhibits presented, and should be revised and submitted with the preliminary plan statement of justification.

At the time of preliminary plan, a revised statement of justification for impacts to regulated environmental features and exhibits shall be submitted, which will be evaluated based on the more detailed design information available at that time. If proffered, proposed on-site mitigation may be considered in lieu of certain impacts.

- (3) An approved stormwater management concept plan and approval letter dated December 12, 2011 were submitted with the subject application. The concept shows stormwater management requirements to be met through the use of underground storage systems, retention ponds, dry wells, and porous paving.

The master plan includes several strategies focused on stormwater management and on the use of low-impact development techniques. It is desirable that these strategies should be incorporated into the stormwater management design to the fullest extent possible. Technical stormwater management plans (37306-2005-01) for the subject property were approved on April 29, 2013 for the three retention ponds proposed on the site. It should be noted that the pond design reflects the use of Best Management Practices (BMPs), including forebays, and wet extended detention Best Management Practices consistent with environmental site design.

The proposed stormwater management shown on the TCP1 is in general conformance with the approved concept plan on the east side of Mattawoman

Drive; however, the location of the PMA on the commercial area on the west side of Mattawoman Drive is not consistent with the current NRI. It is also not consistent with where additional wetlands and wetland buffer areas are located on the western side of Mattawoman Drive.

At the time of application for the preliminary plan, the application package shall contain an approved revised stormwater concept plan and letter reflecting the revised delineation of the PMA shown on the most recent revision to the NRI.

- (4) Prior to grading of the site, the county requires the approval of an erosion and sediment control plan. The TCP must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. A copy of the erosion and sediment control concept plan must be submitted at the time of preliminary plan, so that the ultimate limits of disturbance for the project can be verified and shown on the TCP.
- (5) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, Keyport, Leonardtown, Matawan, Rumsford, and Sassafras series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements.

This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) may require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review.

- (6) The subject property is located within the Air Installation Compatible Use Zone (AICUZ) of the Joint Land Use Study (JLUS). Based on the most recent AICUZ study released to the public in 2007 by Joint Base Andrews Naval Air Facility Washington (JBA), aircraft-generated noise in the vicinity is significant. The noise contours affecting the subject property associated with JBA have not been shown on the CSP or TCP1.

The western half of the site, adjacent to US 301, is mapped within the 65 to 69 dBA Ldn zones. The remainder of the site is not located within the noise impact area. The current application proposes 1,390 residential dwelling units

(single-family attached townhouses and multifamily) and 300,000 square feet of commercial office/retail space. A rough delineation of the noise contour affecting this site indicates that approximately 575 multifamily residential units and 114 attached residential units are proposed within the areas mapped as 65 to 69 dBA Ldn. The AICUZ guidelines discourage residential uses in the 65 to 69 dBA Ldn zones. The AICUZ guidelines indicate that, where a local community determines that residential uses should be allowed in the 65 to 69 dBA Ldn zones, measures to achieve outdoor to indoor noise level reduction should be incorporated into building codes and considered in individual development approvals. Noise within the proposed residential area will exceed the state standard of 65 dBA Ldn due to military aircraft over-flights.

Council Bills CB-3-2012 and CB-4-2012 were adopted on November 20, 2012, and established the Interim Land Use Controls (ILUC) for JBA. Council Bill CB-47-2013 was adopted on July 24, 2013, which extended the ILUC until June 6, 2014. Because the ILUC is currently in effect, the current CSP application must be evaluated for conformance. The ILUC affects properties that are located within the mapped impact area; these include properties located within the mapped accident potential zone (APZ), the noise contours, and the imaginary runway surface. The subject site is not mapped within an APZ, but is located within a mapped noise contour, and is within the imaginary runway surface.

Section 27-1807(b)(1) of the Zoning Ordinance established in CB-3-2012 requires:

- (1) At the time of construction permit, interiors of new residential construction must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.**

Noise associated with JBA will be further evaluated at the time of preliminary plan, and consideration of a plat note to identify the noise levels will be made at that time. It should be noted that, while building materials can be used to mitigate interior noise levels, no practical mitigation measures exist for outdoor activity areas such as backyards, tot lots, etc. These areas will exceed the state standard of 65 dBA Ldn.

Section 27-1806(b), established in CB-3-2012, requires:

- (b) The issuance of permits authorizing any construction within the boundaries established in Figure X. [height] shall be subject to the following additional restrictions:**

- (1) No permit shall be issued for construction in the boundaries shown in Figure X. [height] that exceeds the height of the Imaginary Surfaces**
- (2) At the time of permit, a registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces shown in Figure X. [height].**

The entire property is mapped as imaginary runway surface. The entire property is mapped as approach/departure (Horizontal) (D). The delineation of these mapped surfaces must be shown and labeled on the plans or, in the case of this property which is entirely within the mapped surface, a note shall be placed on the CSP and TCP1 plan.

- (7) Policies contained in the General Plan call for the reduction of adverse transportation noise impacts to meet State of Maryland noise standards. Noise is generally regulated along roads with a classification of arterial or higher, where residential uses are proposed because these roadways carry traffic that results in noise levels above 65 dBA Ldn.**

Crain Highway (US 301) is an existing source of traffic-generated noise and a master-planned freeway (F-10). Using the Environmental Planning Section noise model and applying a traffic count at build-out of 92,900 and a traffic speed of 55 miles per hour (mph), the anticipated ground floor 65 dBA Ldn noise contour would lie approximately 556 feet from the centerline of US 301. It should be noted that the Subdivision Regulations require that residential development adjacent to a freeway provide a minimum lot depth of 300 feet from the ultimate right-of-way, in part to address noise-related concerns.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. Using the Environmental Planning Section noise model and applying a traffic count at build-out of 53,900 and a traffic speed of 35 mph, the anticipated 65 dBA Ldn noise contour would lie 156 feet from the centerline of Mattawoman Drive. It should be noted that the Subdivision Regulations require that residential development adjacent to an arterial provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (Stephen's Crossing Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated February 5, 2010) to evaluate transportation-related noise impacts to proposed residential areas in the M-X-T Zone along both sides of

Mattawoman Drive and along the east side of US 301. This noise study did not take into account the ultimate right-of-way for US 301, as shown on the CSP. The previously submitted noise study indicated that, in addition to transportation noise impacts from US 301 and future Mattawoman Drive, aviation noise impacts from JBA were noted.

A revised Phase I noise study was prepared and submitted for the subject property (Stephen's Crossing Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated November 17, 2011) to evaluate transportation-related noise impacts to proposed residential areas in the M-X-T Zone along both sides of Mattawoman Drive and along the east side of US 301, and noise impacts related to JBA. The executive summary of that noise study (Page 1) indicated that:

"Roadway noise impact upon the site has been determined based upon both the intermediate and ultimate Mattawoman Drive/Route 301 intersections. The site's roadway noise impact varies with elevation and has been presented at two different heights, ground and upper level. Results indicate that when future roadway noise is combined with the existing AAFB noise impact, the entire site is impacted by noise levels above 65 dBA Ldn at the upper level for the intermediate and ultimate roadway alignments.

"It is recommended that AAFB not be included when evaluating ground level noise impact since it is impractical to mitigate airport noise in outdoor areas. When only considering ground level noise impact due to future roadway activity, a portion of the site currently planned for residential use is exposed to noise levels above 65 dBA Ldn.

"Further analysis is required to determine the mitigation measures necessary to reduce roadway and AAFB noise impact to comply with Prince George's County residential noise standards. This analysis can only be completed after architectural drawings for the site's planned residential home models are well developed. Final mitigation designs will be detailed in the Phase II Noise Analysis."

Figures included in the noise study included a map of the 2007 JBA AICUZ study which indicates that a portion of the site is located in the 65 dBA Ldn noise contour for JBA; mapping of unmitigated ground-level noise contours for roadway noise only (per earlier recommendation to not include JBA in ground level noise); and mapping of unmitigated upper-level noise contours for combined roadway and JBA noise for both the intermediate and ultimate US 301 alignment.

Noise contours have been included on the CSP, but those selected may not be those most appropriate to model noise impacts on as discussed below. In addition, the graphic used on the plan was not included or labeled in the legend of that plan. The selection of what contours to show should be based on the differences between the intermediate and ultimate right-of-way for US 301, under the assumption that this development may go forward prior to the interim or ultimate road improvements, but must be evaluated for the worst case scenario. It should be noted that there is only a single ultimate alignment for Mattawoman Drive (A-63).

The unmitigated noise contours must be shown on the plan sheets as follows:

- (a) A 65 dBA Ldn ground level (ultimate) for US 301 combined with the 65 dBA Ldn ground-level contour for Mattawoman Drive.
 - (b) The 75 dBA Ldn, the 70 dBA Ldn, and the 65 dBA Ldn upper-level (ultimate) noise contours which combine the JBA noise impacts.
- (8) Any area of the site impacted by unmitigated noise above 65 dBA Ldn at either the ground level (from roadway noise only) or upper level (from only roadway or JBA noise or the combined roadway and JBA noise) requires further analysis to meet Prince George's County's interior and exterior residential noise level standards.

Residential structures and outdoor activity areas throughout the Stephen's Crossing development are exposed to unacceptable levels of transportation noise. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate shell construction methods. Acceptable noise levels in outdoor activity areas are 65 dBA Ldn or less, excluding JBA noise impacts which cannot be practically mitigated for outdoor areas. Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, or changes in the placement of site features.

Exterior Noise Impacts—To meet county standards, noise levels in outdoor activity areas (private backyards, playgrounds, ball fields, etc.), as measured at the ground level (five feet above adjacent grade), must be maintained at less than 65 dBA Ldn. A private backyard is considered to be the area within 40 feet of a detached single-family house, or within the lot of an attached single-family dwelling (townhome).

If any such areas are planned in the area between US 301 or Mattawoman Drive and the unmitigated ultimate 65 dBA Ldn ground level contour, these areas must be mitigated using either careful site planning or a properly designed noise barrier. Ground-level noise contours are based on roadway noise impact only, as it is

impractical to require JBA noise to be mitigated in outdoor areas. Two areas of concern have been identified for exterior ground-level noise impacts.

The first is Phases 11 through 16, adjacent to US 301, where multifamily residential uses and outdoor activity areas are proposed, such as entrance courts and tot lots, in areas unshielded from US 301. A second area of concern is a multifamily residential structure located adjacent to Mattawoman Drive, in Phase 7, where the potential for impacts to residential uses within commercial-retail uses is indicated.

The mitigation for Phases 11 through 16 may require a noise barrier sufficiently tall enough to block the line of sight from the noise source (roadway) to the receiver (person in outdoor activity area). It should also consider the three source heights for transportation noise. Noise barriers can be constructed of concrete, masonry, wood, earthen berm, or of a combination of these materials, but must be placed on-site and designed to respond to the difference in elevation between the noise source and the receiver. There appears to be insufficient area for the placement of appropriate structural noise mitigation for these phases on the CSP.

Site planning can also be used to reduce noise impacts by taking advantage of the reduction offered by using future buildings, residential or commercial, as barriers. On Phase 7, the structure has been placed between Mattawoman Drive and the outdoor activity areas to shield those areas from noise impacts. The placement of outdoor activity areas on Phases 11 through 16 should also apply site planning options to shield those areas.

Interior Noise Impacts—Noise levels in interior noise-sensitive living spaces (bedrooms, living rooms, dining rooms, etc.) must be kept at or below 45 dBA Ldn. The location and design of the residential buildings locations are not yet available, but the entire site is exposed to combined roadway/JBA unmitigated noise above 65 dBA Ldn at the upper level.

Residential buildings impacted by mitigated noise levels above 65 dBA Ldn must be analyzed to determine whether their proposed construction and building components will be capable of reducing roadway/JBA noise impact to an interior level of 45 dBA Ldn. This is determined by using a building shell analysis which calculates a room's interior noise level based upon the exterior noise level and sound transmission class (STC) ratings of its various building components (walls, roof, and windows/doors).

If the interior noise level standard is not met using the proposed construction, the STC ratings of building elements are adjusted accordingly. A building shell analysis can only be completed once architectural drawings for proposed residential home models are well developed.

As with outdoor activity areas, site planning can also be used to mitigate roadway noise impact upon interior living spaces. Residential buildings should be located on the interior of the site as far from the roadways as possible, and be placed behind commercial and office buildings to use them as a barrier against roadway noise. Multifamily buildings should also be placed between townhomes and single-family homes and the roadway to act as a noise barrier. The CSP shows the multifamily structures acting as a noise barrier for the townhouse lots located internal to the site.

Because of the proximate location of the proposed residential dwelling units within the 65 dBA Ldn noise contour, a Phase II noise study is necessary at the time of preliminary plan to identify what noise mitigation design and construction measures would be required to allow the placement of residential uses in this noise impacted area. This level of detail is necessary because the preliminary plan will result in the approval of a lotting pattern that may not provide for necessary noise mitigation measures.

Significant portions of the Stephen's Crossing site will be impacted by roadway and JBA noise above 65 dBA Ldn at both the ground and upper level. Further analysis is required to determine the exact mitigation measures necessary to comply with Prince George's County exterior and interior noise level standards. These may include noise barriers, site planning, and modifications to residential building construction. Mitigation can only be designed upon further development of the site plan and layout. Once preliminary or final locations of residential buildings and outdoor activity areas are established, as well as architectural plans for residential home models, the exact noise impact upon them can be determined and mitigation designs can be developed accordingly.

- (9) Brandywine Road (MD 381) was designated in the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B (Subregion V Master Plan and SMA) as a historic road. Because Brandywine Road is a state road, it is not subject to the "Design Guidelines and Standards for Scenic and Historic Roads" prepared by DPW&T for right-of-way improvements.

The previous 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 2013 Subregion 5 Master Plan and SMA 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 zone, having been retained in the I-1 Zone during the SMA process, it was stated with approval of the DSP 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 DSP-09011 for Stephen's Crossing and CDP-0901 for the Villages of Timothy Branch development, which is located on the south side of Brandywine Road.

From the western property line of Lot 22, the existing 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, and outside of, the public utility easement.

Adjacent to a historic road, the Landscape Manual, which became effective on December 13, 2010, requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Developing Tier, the required buffer along a historic road is a minimum of 20 feet wide, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road. In this circumstance, Brandywine Road transitions from the Developing Tier to the Rural Tier just to the east of this property, so that the frontage adjacent to this site provides the opportunity to introduce enhanced landscape treatments to create an attractive and gradual transition.

The inventory submitted with DSP-09011 for Lot 22 stated that the roadway still follows its historic alignment as it passes beside the property, but various improvements have occurred or are proposed for the roadway; there are numerous utility easements adjacent to the right-of-way, and the lots to the north are narrow,

constrained by wetlands and floodplains to the north of the intersection with Mattawoman Drive.

A low wall or pillared fence should be provided along the exterior perimeter of the parking lots, adjacent to the road frontage, with a narrowed landscape area of naturalistic native plantings to provide an appropriate landscape treatment for the historic road where a full width buffer is not possible. The developer of the Stephen's Crossing M-X-T project agreed to develop a comprehensive treatment of the entrance, gateway, and/or signage features for the overall development and the historic road frontage. On DSP-09011 for Lot 22, the comprehensive landscape treatment will be located along the frontage of Brandywine Road from the western entrance to the parking lot and continue around the intersection of Brandywine Road and Mattawoman Drive to the parking lot entrance on Mattawoman Drive in a landscape and signage easement granted to the developer of the Stephen's Crossing M-X-T-zoned property.

The design of the landscape treatment proposed on both sides of Brandywine Road will be coordinated during the review of associated development applications 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 proposed on the south side of Brandywine Road.

The MPOT includes a section on special roadways, which includes designated scenic and historic roads and provides specific policies and strategies which are applicable to this roadway. An inventory of scenic and historic features is required at the time of preliminary plan to review for consistency with the strategies of the MPOT.

The MPOT calls for limiting access points onto scenic and historic roads. The subject application proposes an additional access point on the north side of Brandywine Road, 550 feet east of US 301, accessing the commercial retail uses proposed on the western end of the site, and proposes it be identified as a "Minor Neighborhood Entrance Feature."

Additional access points or neighborhood entrance features on historic Brandywine Road in this location are not in keeping with the conservation of the roadway, and are not recommended. The access point and entrance feature should be removed unless determined necessary for safety reasons as determined through the review of the preliminary plan.

The environmental conditions have been included in this approval.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department, in a memorandum dated October 9, 2013, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—In an e-mail dated October 15, 2013, DPIE stated that they had no comments on the most recently revised CSP, and comments from their July 26, 2012 memorandum remain valid. That memorandum included standard responses on issues such as frontage improvements, soils, storm drainage systems, and utilities in order to be in accordance with the requirements of DPIE, along with the following summarized specific comments:

Mattawoman Drive will require the construction of three lanes in each direction and left turning lanes. Additionally, if providing an eight-foot-wide sidepath, an additional two feet of right-of-way will be required. All road realignment and vacation must be coordinated with DPW&T. The proposed cul-de-sac at the end of Daffodil Court should be designed in accordance with the latest DPW&T standards. Island design will have to be reviewed more closely when additional details/design plans are provided. Any roadway that has direct townhouse access and all 22-foot-wide alleys will be privately maintained. The right-of-way for Daffodil Court is shown as 70 feet wide; however, the road section is noted as 60 feet. Other streets serving the townhomes should have three lanes at the entrances to allow one lane in and two lanes out. The subject proposal has an approved Stormwater Management Concept Plan, 37306-2005-01.

Daffodil Court is shown as it was approved and platted per the original industrial preliminary plan. The CSP shows all roads that have direct townhouse access and all 22-foot-wide alleys as privately-maintained. However, final roadway design and right-of-way widths will have to be further reviewed at the time of preliminary plan when adequate facilities and exact lotting patterns and frontages are determined.
- k. **Prince George's County Police Department**—In a memorandum dated October 7, 2013, the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
- l. **Prince George's County Health Department**—In a memorandum dated October 10, 2013, the Health Department provided the following comments:
 - (1) There are four existing carry-out/convenience store food facilities and only one grocery store/market within a one-half mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores, compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The applicant should include a grocery store or market tenant within the development, in addition to

providing retail facilities offering high-quality healthy food choices to the residents and community.

The applicant is encouraged to target a grocery store tenant, or other uses that might provide high-quality healthy food choices, as they continue to develop the proposed commercial-retail portion of the subject property.

- (2) Numerous residential and office units are proposed to be sited within the 65 dBA Ldn zones. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. Future plans should include modifications, adaptations, or mitigation as necessary to minimize the potential adverse health impacts of noise on susceptible populations.

A Phase I noise study was submitted with the subject application and is discussed further in Finding 11(h) above. The future preliminary plan and DSP will have to address noise issues as more detailed site design is determined.

- (3) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. The applicant will use full cut-off light fixtures to prevent light trespass and direct the pattern of light pooling on-site.

This issue will have to be further reviewed at the time of DSP when lighting details will have to be provided. Therefore, a condition has been included in this approval requiring this to be addressed.

- (4) The site is within 1,000 feet of a major highway and an arterial roadway. Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification. Additionally, there is an emerging body of scientific evidence indicating that exposure to traffic-related air pollution is a cause of and trigger for asthma. The applicant should include modifications, adaptations, and/or mitigation as necessary to minimize the potential adverse health impacts of traffic-related air pollution on the residents and office tenants. The applicant suggests that transit ridership will mitigate air pollution. However, given the unpredictable nature of actual transit use, the applicant should consider integrating additional mitigation strategies such as adequate setbacks and installation of heating, ventilation, and air conditioning (HVAC) systems that will provide adequate ventilation.

This issue will have to be further reviewed at the time of DSP when detailed designs of setbacks and houses will be determined.

- (5) Forest Stands 2 and 3 were the sites of illegally dumped household/white goods. The applicant proposes a cleanup of the items at the time of the "site development activities for the phase where the dumping exists." Much of the dumped goods can provide a habitat for vectors and nuisance animals. In addition, household appliances such as refrigerators can contain Freon, which must be properly disposed of to prevent environmental degradation. The applicant should complete the cleanup of dumping areas prior to issuance of any building permits to prevent potential human exposure to disease carrying organisms and safety hazards, in addition to potential environmental degradation from the release of Freon or other hazards that may be in the dumped items.

This issue should be further considered at the time of DSP when a more detailed development pattern relative to the areas of illegally dumped goods is established.

- (6) There is an increasing body of scientific research suggesting that community gardens improve nutrition, enhance physical activity, and promote the role of public health in improving quality of life. The applicant should consider setting aside space for a community garden.

This issue should be considered at the time of DSP when a more detailed development pattern is established.

- (7) The public health value of access to active recreational facilities has been well documented. The applicant proposes on-site recreational amenities that include a tot lot, pre-teen lot, clubhouse, trails, and a swimming pool and off-site recreational facilities available at the Brandywine Area Community Park. Access to these recreational amenities will be a health benefit to the community.

This is noted. Details of the recreational facilities will be provided at the time of DSP.

- m. **Maryland State Highway Administration (SHA)**—In a memorandum dated November 6, 2013, SHA indicated that the applicant had still not responded to their traffic impact study comment letter dated August 16, 2012, and that further review would not happen until such time. The referenced letter provides comments that the land use quantities in the report and the scoping agreement do not match, that SHA does not support a Brandywine Road Club contribution in-lieu-of specific improvements, a list of future intersections where traffic signals may be necessary, and that the traffic impact study report should include level-of-service results for all existing and future alternatives. It also describes the planned interchange at the intersection of Crain Highway (US 301) and Mattawoman Drive, which will be a half-diamond with ramps to and from northbound

lanes only. They request that right-of-way be preserved and other accommodations made for improvements at this interchange. A previous letter from SHA dated September 5, 2012 notes that an at-grade connection of Mattawoman Drive and US 301 would not be permitted prior to construction of an interchange at this location. Right-of-way dedication and timing of improvements for this intersection will be further studied and determined at the time of the required preliminary plan.

- n. **Washington Suburban Sanitary Commission (WSSC)**—WSSC originally provided comments on the subject application on July 30, 2012. The referral expressed the inability to provide comments due to the lack of water and sewer pipeline information on the plans. Such information would need to be provided at the time of DSP, when the exact locations of proposed buildings and proposed water and sewer easements will be reviewed. The location of the buildings and structures in relation to WSSC easements will be required to meet WSSC standards. In a subsequent e-mail dated October 10, 2013, WSSC indicated that they had no further comments on the subject application as the applicant did not pay their applicable review fee.
 - o. **Verizon**—In a memorandum dated September 3, 2010, Verizon indicated that the subject application will need to provide a suitable public utility easement parallel, contiguous, and adjacent to all public and private road and alley rights-of-way, free and clear of all obstructions, at no greater than a 4:1 slope, and that touches every lot in the subdivision. This issue will be reviewed in depth at the time of preliminary plan.
 - p. **Southern Maryland Electric Cooperative (SMECO)**—In an e-mail dated October 10, 2013, SMECO indicated that they had no comments on the subject application.
12. As required by Section 27-276(b)(1) of the Zoning Ordinance, the conceptual site plan will, if approved with the proposed conditions below, represent 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. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

Wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the primary management area on the subject property. Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible at the conceptual level under review; however, additional information will be required to reevaluate impacts at the time of preliminary plan.

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 (TCP1-007-12), and further APPROVED Conceptual Site Plan CSP-09003, including Variances from Section 27-547(b), Footnote 7, and Section 27-548(h) for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. Correctly note the proposed floor area ratio (FAR) based on the net tract area.
 - b. Revise the tree canopy coverage schedule to match the area of existing trees to be preserved on the Type 1 tree conservation plan (TCP1).
 - c. Add the following note to Sheets 9, 11, 12, and 13 of the CSP:

“This plan is illustrative for conceptual review and approval only. Final building locations, street sections, lot layout, and site design will be reviewed at the time of preliminary plan of subdivision and detailed site plan.”
 - d. Revise the Mattawoman Drive cross section to provide an eight-foot-wide sidepath on the eastern side, unless modified by the Department of Public Works & Transportation (DPW&T).
 - e. The CSP and TCP1 plan shall be revised as follows:
 - (1) The noise contours affecting the subject property associated with Joint Base Andrews Naval Air Facility Washington (JBA) shall be shown and labeled.
 - (2) The mapped imaginary runway surface shall be mapped and labeled on the plan, or addressed by a note on the plan sheets.
 - (3) The unmitigated noise contours identified in the revised Phase 1 noise study, or as further revised, which reflect the “worst case” noise impact scenario for Robert Crain Highway (US 301) shall be shown and labeled.

2. Prior to certification of the conceptual site plan (CSP), the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Note 1 shall be revised to remove the second sentence.
 - b. The term "forest preservation" shall be revised to use the term "woodland preservation."
 - c. The term "forest clearing" shall be revised to use the term "woodland clearing."
 - d. Brandywine Road (MD 381) shall be labeled as a historic road.
 - e. The bearings and distances shall be shown on all property boundary lines.
 - f. The revised plan shall be signed and dated by the qualified professional who prepared it.
3. At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:
 - a. Provide proper turnarounds or connections for all private and public streets.
 - b. Provide adequate spacing between the proposed stormwater management ponds and townhouse lots in the southern section of the site.
 - c. Provide sufficient dedication on the preliminary plan along Brandywine Road (MD 381) for on-road bike lanes in accordance with Maryland State Highway Administration (SHA) standards and American Association of State Highway and Transportation Officials (AASHTO) guidance, subject to approval by SHA.
 - d. Long blocks of structures shall, where feasible, be broken into smaller blocks with roads, paths, and/or green space.
 - e. The plan shall address the following rights-of-way:
 - (1) Dedication of a right-of-way of 40 feet from centerline along C-613 and Brandywine Road (MD 381), along the site's frontage.
 - (2) Right-of-way preservation for the planned interchange at the intersection of Robert Crain Highway (US 301) and A-63, with the limits of the interchange vis-à-vis the development, to be determined in consultation with SHA at that time.
 - f. A TCP1 consistent with the scale of the preliminary plan, and at a scale no greater than one inch equals 100 feet.

- g. A detailed statement of justification for the proposed removal of any specimen trees. The justification shall be provided separately for each tree, with the exception of those that can be grouped together based on certain similarities.
 - h. The preliminary plan application package shall contain a revised statement of justification for the proposed impacts to regulated environmental features.
 - i. An approved revised stormwater management concept plan and letter which reflects the most recent revision to the delineated primary management area on the west side of Mattawoman Drive. The revised stormwater concept plan shall show the same site layout as the preliminary plan and its associated TCP1.
 - j. A copy of the erosion and sediment control concept plan.
 - k. A Phase II noise study shall be submitted that addresses noise impacts on residential, or potential residential use areas, and the necessary mitigation methods which reflect the "worst case" noise impact scenario for Robert Crain Highway (US 301).
 - l. An inventory of scenic and historic features for the frontage and viewshed of Brandywine Road (MD 381) adjacent to the subject property.
 - m. The preliminary plan and TCP1 shall be designed in such a way as to accommodate appropriate landscape planting, and limit signage treatments along the frontage of Brandywine Road (MD 381).
 - n. Supplemental forest stand delineation information shall be submitted on the extent of invasives in the herbaceous/woody layer of Forest Stand 3, including location, species, and areas identified on-site. The information shall be prepared by a qualified professional and be sufficient to determine if an invasive species management plan is indicated at the time of Type 2 tree conservation plan (TCP2) review.
4. At the time of detailed site plan (DSP), the following design issues shall be addressed:
- a. The applicant shall use full cut-off light fixtures to prevent light trespass, and direct the pattern of light pooling on-site.
 - b. The applicant shall consider setting aside space for a community garden.
 - c. Parking lots shall generally be provided to the rear or sides of structures.
 - d. A comprehensive public space system, with defined high-quality designed spaces to accommodate various activities, shall be provided within the commercial areas of the site. Site amenities such as water features or fountains, sculptures, special paving, seating, and planters shall be fully delineated in the DSP for the commercial portion of the site.

- e. The multifamily areas of the development shall be designed and organized so as to create cohesively designed complexes that integrate usable public spaces with amenities and minimize the appearance of surface parking areas.
- f. Provide bicycle parking at major transit locations and adjacent to all new commercial development and recreational uses on-site. Provide bicycle parking details for all bicycle parking.
- g. Streetscape details, crosswalks, lane control markings, lighting, curb ramps, splitter island locations, driveway crossings, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
- h. Well-articulated architectural façades, including appropriate massing, quality building materials, and pedestrian-scaled detailing, shall be included for all residential and commercial buildings with the DSP.
- i. All commercial architectural elevations that are visible from Robert Crain Highway (US 301) and Mattawoman Drive shall have enhanced architectural design to include, but not be limited to, high-quality materials such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
- j. No rear elevations of residential buildings shall be oriented towards Mattawoman Drive or Cattail Way. Any side elevations of residential buildings highly visible from Mattawoman Drive or Cattail Way shall be designed with the same attention to detail as the front elevation.
- k. A cohesive relationship shall be created between the retail, office, and residential components by using similar architectural, signage, landscape, and paving elements throughout the development.
- l. The design of the landscape bufferyard treatment proposed adjacent to Brandywine Road (MD 381) shall complement the landscape and buffer treatments approved with Detailed Site Plan DSP-09011, or any subsequent revisions, for Lot 22, Stephen's Crossing.
- m. Eating and drinking establishments with drive-through service and gas stations, if any, shall be designed so that the drive-through area and gas pumps are located behind the building, not directly adjacent to a public street, or are adequately screened from view, and do not impede pedestrian circulation.
- n. Provide continuous sidewalks adjacent to all of the commercial buildings and along both sides of all roads, unless a sidepath is provided.

- o. Bus transit stop locations shall be provided on the DSP and indicated as "Conceptual Bus" or "Conceptual Transit Stop Location," as indicated on area and functional master plans, or on capital improvement project maps.
 - p. An appropriate landscape bufferyard shall be provided between the commercial and residential uses. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined direct pedestrian circulation between the uses.
 - q. Front-loaded garages that are incorporated into any townhouse or two-family attached dwelling shall be designed in accordance with Section 27-548(h) of the Zoning Ordinance, unless a variance is granted from that provision.
 - r. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road or sidewalk network, unless environmental constraints/impacts exist that make this impractical.
 - s. All single-family attached or two-family attached dwelling units shall be set back a minimum of 30 feet from the right-of-way of Cattail Way (C-610). This setback shall include a 20-foot-wide landscaped area with enhanced landscaping treatments.
 - t. Provide a trail connection that connects the proposed multifamily units located at the end of Daffodil Court directly to Mattawoman Drive to the west, provided that the necessary approvals and permits for disturbance of environmental features are approved by all applicable authorities, including, but not limited to, the Maryland Department of the Environment and/or the Army Corps of Engineers.
 - u. Noise attenuation is required for dwellings within the Joint Base Andrews Naval Air Facility Washington (JBA) Interim Land Use Control (ILUC) impact area (65 dBA Ldn and above).
 - v. Provision of sufficient visitor parking spaces evenly distributed among the townhouse development areas.
5. At the time of detailed site plan (DSP), the private on-site recreational facilities shall be reviewed. The following issues shall be addressed:
- a. The applicant shall provide a final list of proposed private recreational facilities and their cost estimates. The list of facilities provided on the conceptual site plan shall be viewed as the minimum number and size of facilities required. This list shall be expanded as deemed necessary to ensure that the overall development, and each phase, is capable of sustaining an independent high-quality environment.

- b. The minimum size of the proposed private recreational facilities and the timing of their construction shall be determined.
 - c. The developer and the developer's heirs, successors, and/or assignees shall satisfy the Prince George's County Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
6. Prior to approval of a preliminary plan of subdivision, the applicant shall consult with Historic Preservation Section staff to develop traditional names for the streets included in the subject application, rather than the proposed names, which do not appear to have a historic relationship to the property.
 7. At the time of submittal of any detailed site plan (DSP), other than for infrastructure only, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by Historic Preservation staff. The DSP shall include the timing for installation of the signage and the implementation of public outreach measures.
 8. Prior to approval of any ground disturbance or grading permits, the applicant shall deliver all artifacts and appropriate associated documentation to the Maryland State Archeological Conservation Laboratory for curation, and shall provide documentation of the state's acceptance of the materials to the Prince George's County Planning Department's archeologist.
 9. Prior to approval of a final plat for the proposed lots and parcels that will be incorporating existing rights-of-way, approval of a vacation petition shall be obtained in accordance with Section 24-112 of the Subdivision Regulations.
 10. At the time of the first detailed site plan (DSP) for any commercial office or retail use, other than for infrastructure only, an overall cohesive signage plan for all of the retail and office uses within Conceptual Site Plan CSP-09003 shall be submitted for review. This plan shall include unifying design standards including, but not limited to, signage amount, size, location, color, purpose, and style for all freestanding and building-mounted signage.
 11. The applicant shall provide an eight-foot-wide concrete sidepath in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to Maryland State Highway Administration (SHA) approval and in accordance with SHA standards, and subject to American Association of State Highway and Transportation Officials (AASHTO) guidance.
 12. Provide a minimum eight-foot-wide sidepath on the east side of Mattawoman Drive (A-63) between Brandywine Road (MD 381) and Robert Crain Highway (US 301), unless modified by the Department of Public Works and Transportation (DPW&T).

13. Provide a minimum eight-foot-wide continuous sidepath that connects the commercial-retail area to the sidepath on Mattawoman Drive (A-63).
14. Provide a minimum eight-foot-wide continuous sidepath on one side of Cattail Way between Mattawoman Drive and Missouri Avenue, unless modified by the Department of Public Works and Transportation (DPW&T).
15. At the time of detailed site plan (DSP) review, provide pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming and safety devices on all roads per the Department of Public Works and Transportation (DPW&T) standards and with American Association of State Highway and Transportation Officials (AASHTO) guidance. Details of the pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming devices shall be shown on the DSP and are subject to modification by DPW&T.
16. All trail connectors to the proposed park to the east shall be provided on the detailed site plan and shall be constructed to meet *Parks and Recreation Facilities Guidelines*, unless modified by the Prince George's County Department of Parks and Recreation.
17. The preliminary plan of subdivision recommendations shall include the following transportation improvements, or similar equivalent improvements, as proffered in the July 2010 traffic impact study:
 - a. Provision of signalization, if warranted, and dual southbound left-turn lanes along Robert Crain Highway (US 301) at Mattawoman Drive, provision of a northbound right-turn lane along US 301 at Mattawoman Drive, and provision of the east leg of the intersection (the Mattawoman Drive approach from the south/east) as five lanes, configured with two left-turn lanes, two through lanes, and one right-turn lane.
 - b. Provision of signalization, if warranted, at the Brandywine Road (MD 381)/Mattawoman Drive intersection, and provision of an eastbound left-turn lane and westbound right-turn lane along MD 381 at Mattawoman Drive.
18. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, as well as any properties along Robert Crain Highway (US 301)/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Prince George's County Planning Board. For development on the subject

property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

A fee calculated as $\$1.41 \text{ per gross square foot of space } X \text{ (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as $\$1,187 X \text{ (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

For each multifamily unit, a fee calculated as $\$886 X \text{ (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to The Maryland-National Capital Park and Planning Commission (M-NCPPC) that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if, and only if, sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members, or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved Maryland State Highway Administration (SHA) plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by the Department of Public Works and Transportation (DPW&T).
- c. Make minor widening/stripping improvements to the US 301/MD 5 interchange ramps.
- d. Widen Crain Highway (US 301) from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of Brandywine Road (MD 381).
- e. Reconstruct the traffic signal at US 301/MD 381.

- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA).
 - g. Provide a grade separation at the point the spine road crosses Crain Highway (US 301) northeast of T.B.
 - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construction of an interchange in the area of Branch Avenue (MD 5) and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
19. Total development of the overall site shall be limited to uses that would generate no more than 1,109 AM and 1,512 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein-above shall require an amendment to the conceptual site plan with a new review of the finding associated with Section 27-546(d)(9) of the Zoning Ordinance.
20. The Type 1 tree conservation plan (TCP1) and all future TCPs shall demonstrate that the woodland conservation requirement has been provided on-site to the greatest extent possible by providing on-site, at a minimum, the total of the woodland conservation threshold plus the portion of the one-quarter-to-one replacement required for clearing above the threshold.
21. All off-site woodland conservation requirements for the subject property shall be met within the Mattawoman Creek subwatershed, unless the application demonstrates due diligence in seeking out opportunities for off-site woodland conservation locations in accordance with the priorities of Sec. 25-122(a)(6).
22. At the time of preliminary plan of subdivision review, if the private access point proposed onto Brandywine Road (MD 381), east of the intersection with Robert Crain Highway (US 301) and/or the proposed "minor neighborhood entrance feature" on Phase 10 are to be retained, a statement of justification shall be provided regarding why an access point and/or entrance feature is appropriate

and/or necessary in this location. The statement of justification shall be evaluated for conformance with the policies and strategies of the 2009 *Approved Countywide Master Plan of Transportation* for the conservation of special roadways.

23. Prior to issuance of building permits, interiors of new residential construction shall be certified to 45 dBA Ldn or less by an acoustical engineer, or qualified professional of competent expertise. The certification shall be based on an inventory of architectural materials for said structures submitted at the time of permit review.
24. Prior to issuance of building permits, a registered engineer, or qualified professional of competent expertise, shall certify that structures do not exceed the imaginary surfaces established in County Council Bill CB-3-2012, as amended or modified.

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 Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 6, 2014, in Upper Marlboro, Maryland.

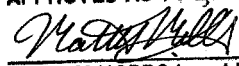
Adopted by the Prince George's County Planning Board this 6th day of March 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 2/19/14