



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2023-05

File No. PPS-2022-003

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

WHEREAS, M & M Joint Venture LLP is the owner of an 8.27-acre parcel of land known as Parcel 12, Block A, of the Brandywine 301 Industrial Park, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Town Activity Center (TAC-C); and

WHEREAS, on November 14, 2022, Brandywine Crossing Apartments Phase II LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan PPS-2022-003 for Brandywine Crossing Apartments Phase II was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 19, 2023; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 19, 2023, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-026-91-05, and further APPROVED Preliminary Plan of Subdivision PPS-2022-003 for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised, as follows:
  - a. Remove DSP-00053 and DSP-00053-01 from the list of prior approvals.
  - b. Correct the density calculation to 27.9 dwelling units per acre.
  - c. Add the approval date of the stormwater management concept plan to General Note 21.
  - d. Add the Type 1 tree conservation plan number to General Note 27.
  - e. Label the 65-foot trail easement reservation as "to be removed."
  - f. Correct the label of the 50-foot floodplain easement to show that it is a "50-foot floodplain buffer." Label this buffer as "to be removed."
  - g. Delineate a floodplain easement encompassing the entirety of the floodplain area.

- h. Remove the 10-foot building setback along Matapeake Business Drive, as the development is subject to minimum and maximum build-to lines, rather than a front setback.
  - i. Use a line type(s) for the mitigated and unmitigated 65 dBA/Ldn noise contours with more closely spaced dashes/dots, to ensure the path of each contour is clear, especially where the contours overlap.
  - j. Add a note to sheet C-301 stating that the buildings shown on this sheet are conceptual in nature, and that building placement will be approved at the time of detailed site plan.
  - k. Ensure that the seal/signature on each plan sheet states that the person signing and sealing the plans is a registered surveyor or professional landscape architect.
  - l. Update the proposed dedication, along the subject property's frontage of Matapeake Business Drive, from 5 to 8 feet wide to accommodate the Timothy Branch Trail.
  - m. Revise the PPS to create a separate parcel 7 feet in width, measured from the eastern edge of the 8-foot-wide right-of-way dedication. Label this parcel as "to be retained in private ownership in common with the abutting development parcel and reserved in perpetuity, for dedication upon demand by the operating agency, for the widening of Matapeake Business Drive, as designated in the 2009 Master Plan of Transportation and the 2013 Subregion 5 Approved Master Plan and Sectional Map Amendment."
  - n. Add a label to the Timothy Branch Trail, to indicate it is 8 feet wide.
  - o. Update the notes on the coversheet to reflect the current owner of the property (M & M Joint Venture LLP) and the most recent recorded deed in Liber 48055 folio 220.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 16172-2022-0, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
- a. The granting of public utility easements along the public rights-of-way.
  - b. Dedication of public right-of-way, in accordance with the approved preliminary plan of subdivision.
  - c. Extinguishment of any existing trail easement for the Timothy Branch Trail, within the boundaries of the property, due to the trail's relocation to the right-of-way.
  - d. A parcel for future widening of Matapeake Business Drive, which shall be labeled on the plat as "to be retained in private ownership in common with the abutting development parcel and reserved in perpetuity, for dedication upon demand by the operating agency,

for the widening of Matapeake Business Drive, as designated in the 2009 Master Plan of Transportation and the 2013 Subregion 5 Approved Master Plan and Sectional Map Amendment.”

4. In accordance with Section 24-4601 of the Prince George’s County Subdivision Regulations, the applicant and the applicant’s heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
5. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant’s heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George’s County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George’s County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, Prince George’s County Planning Department, for adequacy and proper siting, per the *Parks and Recreation Facilities Guidelines*, with the review of the detailed site plan (DET). Timing for construction shall also be determined at the time of DET review.
7. Prior to approval of building permits for residential development, the applicant and the applicant’s heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantees to the Development Review Division, for construction of the on-site recreational facilities.
8. At the time of detailed site plan, the internal sidewalk network shall be connected around Building 3000.
9. The applicant and the applicant’s heirs, successors and/or assignees shall provide the following improvements, and shall show the following improvements on the detailed site plan (DET), prior to its acceptance:
  - a. Provide a traffic calming analysis to demonstrate the most sufficient transportation management devices for the site. Traffic calming devices shall be provided throughout the site, in accordance with Prince George’s County Department of Public Works and Transportation design standards or any other nationally recognized standards for traffic control devices. The exact location and details of said improvements shall be evaluated with the DET review.
  - b. Designated parking spaces for rideshare activities and deliveries at each building and signage directing drivers to these locations.
  - c. A minimum stacking area of 140 feet, from the single access driveway along Matapeake Business Drive to the first intervening intersection on-site.

10. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
  - a. To the specimen tree table, add a disposition column to indicate that the two specimen trees are to remain.
  - b. Add TCP1-026-91-05 to the plan, worksheet, and the Environmental Planning approval block.
  - c. Remove the individual parcel TCP worksheet and only show the worksheet for the overall site.
  - d. The layout on the TCP1 shall be revised to remove any impacts to the primary management area.
  - e. Tree conservation plan Note 10 on the TCP1 coversheet should be modified to state that Parcel 12 is subject to the 2010 WCO.
  - f. Revise the TCP1 to add a note under the worksheet that states, "Parcel 12 is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance." In addition, revise General Note 10 on the TCP1 coversheet to state this information.
  - g. Have the plans signed and dated by the qualified professional who prepared them.
11. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCP1-026-91-05). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP1-026-91-05 or most recent revision), or as modified by the Type II Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
12. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

13. Prior to signature approval of the PPS, a copy of the approved concept erosion and sediment control plan shall be submitted, so that the ultimate limit of disturbance for the project can be verified and shown on the Type 1 tree conservation plan.
14. At the time of detailed site plan and final plat, the open space set-aside areas required by Section 27-6400 of the Prince George’s County Zoning Ordinance shall be delineated on the plans for placement under an easement or covenant. The easement or covenant shall be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George’s County Planning Department and be fully executed prior to approval of a final plat for the development. The documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Maryland-National Capital Park and Planning Commission. The documents shall be recorded in the Prince George’s County Land Records, and the Liber/folio indicated on the final plat, prior to recordation.
15. Prior to acceptance of a detailed site plan, a Phase 2 noise study shall be submitted. The Phase 2 noise study shall determine any mitigation needed to bring interior noise levels down to a maximum of 45 dBA/Ldn, in all buildings which will be exposed to noise levels above 65 dBA/Ldn. The Phase 2 noise study shall also determine any mitigation needed to bring noise levels down to a maximum of 65 dBA/Ldn, between the hours of 7:00 a.m. and 10:00 p.m., and to 55 dBA/Ldn, between the hours of 10:00 p.m. and 7:00 a.m., in outdoor activity areas.
16. Short-term bicycle parking shall be provided near an entrance of each principal building. Long-term bicycle parking shall be provided at a location(s) on-site, available and accessible to the residents, with the location(s) to be determined at the time of detailed site plan.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George’s County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The property is located on the east side of Matapeake Business Drive, approximately 1,280 feet north of its intersection with Timothy Branch Drive. The property is recorded in Prince George’s County Land Records as Parcel 12, Block A, of the Brandywine 301 Industrial Park, in Plat Book SJH 244 page 16. The property is currently vacant, measures 8.27 gross acres, and is located in the core area of the Town Activity Center (TAC-C) Zone. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan), Subtitles 24 and 27 of the Prince George’s County Code, and other applicable plans, as outlined herein.

The subject preliminary plan of subdivision (PPS) is for one parcel, for development of 221 multifamily residential dwelling units. The site is subject to a prior approved PPS, 4-97124; however, a new PPS is required because the prior PPS only approved industrial development, and residential development is now proposed. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-061.

3. **Setting**—The subject site is located on Tax Map 155 in Grids A-2 and A-3, and it is within Planning Area 85A. North of the property is wooded land owned by a property owners association (POA), which is part of the Brandywine 301 Industrial Park, located in the edge area of the Town Activity Center (TAC-E) Zone. This area will include the future alignment of A-55, a master-planned arterial roadway. North of the future roadway is Villages of Timothy Branch, a development currently under construction which consists of single-family detached, single-family attached, and multifamily dwellings approved pursuant to PPS 4-09003 and related plans. Villages of Timothy Branch is located partly in the TAC Zone (both edge and core areas) and partly in the Legacy Comprehensive Design Zone.

East of the property is POA land in the TAC-E Zone, which contains the Timothy Branch stream. East of the stream is vacant land in the Industrial, Heavy Zone, which has been approved for industrial development, subject to PPS 4-20011. South of the property along Matapeake Business Drive is vacant land in the TAC-C Zone, which has been approved for multifamily development, subject to PPS 4-16013 and Detailed Site Plan DSP-17011-01. Further south are a commercial building in the TAC-C Zone and vacant land in the TAC-E Zone approved for a townhouse development known as the Townes at Brandywine Crossing, subject to PPS 4-19011 and DSP-19016.

West of the property is Matapeake Business Drive, with commercial and industrial development beyond. The commercial development consists of the Brandywine Crossing Shopping Center, located in both the core and edge areas of the TAC Zone. The industrial development consists of an area used largely for outdoor storage, located in the TAC-C Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zones	TAC-C	TAC-C
Use(s)	Vacant	Residential Multifamily
Acreage	8.27	8.27
Parcels	1	1
Lots	0	0
Dwelling Units	0	221
Commercial GFA	0	0
Variance	No	No
Variation	Yes (Section 24-130 of the prior Subdivision Regulations)	No

Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on November 28, 2022.

5. **Previous Approvals**—The property was subject to PPS 4-97124 (PGCPB Resolution No. 98-84), which covers 176.44 acres and was approved on March 26, 1998, for 19 parcels to support development of 1,353,020 square feet of warehouse space, 66,900 square feet of industrial park space, and 219,000 square feet of light service industrial space or different uses generating no more than 778 AM and 779 PM peak-hour trips. This PPS-2022-003 supersedes the prior PPS for the subject site only.

There are no conditions of approval of 4-97124 which need to be carried forward to the subject PPS, though some conditions are similar to those of the prior PPS. In addition, Condition 21 from 4-97124 (copied below) is relevant to the subject PPS:

21. **A trail easement shall be established and shown on the Final Plat of Subdivision on the Timothy Branch. The trail may be located within the 50-foot conservation buffer if deemed appropriate at the time of Detailed Site Plan review. The trail location shall provide dry passage outside of the wetlands and 100-year flood plain to the extent possible.**

The feasibility of the Timothy Branch Trail was evaluated for multiple developments along Matapeake Business Drive and Mattawoman Drive, specifically Villages at Timothy Branch (4-09003); Matapeake Business Park, Parcels 8 and 9 (4-16013); and Townes at Brandywine Crossing (4-19011). The trail was originally planned as a hard surface trail which would run along the Timothy Branch stream; however, the Prince George's County Department of Parks

and Recreation has no plans to take over operation and maintenance of this trail, to construct any extension of the trail, or to acquire land within the stream valley as a park trail corridor. The trail has instead been shifted to the east side of Matapeake Business Drive as an 8-foot-wide side path. Construction of the trail, in relation to the subject site, is discussed in the Transportation section of this resolution. Due to the trail's relocation, the 65-foot-wide trail easement reservation, which was previously established in accordance with this condition along the eastern edge of the site, is no longer necessary and shall be removed with the final plat for this subdivision.

The 50-foot conservation buffer referenced in this condition is incorrectly shown on the PPS as a 50-foot-wide floodplain easement. Plat Book SJH 244 page 16, Note 10, establishes that the 65-foot-wide trail easement reservation contains this buffer. A 50-foot-wide buffer is not a requirement of the current Subdivision Regulations; Section 24-4302(b) requires that the 100-year floodplain (without buffer) be denoted upon the final plat as a floodplain easement, while Section 24-4302(a)(2) requires a 25-foot setback from the floodplain to be established as a building restriction line. The setback is shown on the plans, is respected by the buildings (as currently proposed) and does not need to be within the easement. A new floodplain easement, covering only the floodplain, shall be delineated with this PPS.

The area of the subject site was originally platted as Parcel 10, Block A, of the Brandywine 301 Industrial Park (8.32 acres), in Plat Book REP 203 page 50 in October 2004, in accordance with 4-97124. A portion of the Matapeake Business Drive right-of-way (ROW), north of the site, was later vacated by Vacation Petition V-13003 (PGCPB No. 13-97), approved by the Prince George's County Planning Board in September 2013. Subsequently, the subject site was recorded in Plat Book SJH 244 page 16 in January 2016 as Parcel 12, Block A (8.27 acres), with slightly differing boundaries from the prior Parcel 10. This current plat was prepared in accordance with Section 24-108(a)(3) of the prior Subdivision Regulations, in order to incorporate the previously vacated ROW and realign Matapeake Business Drive. The differing parcel boundaries account for a new ROW alignment dedicated with the current plat.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan was evaluated, as follows:

**Plan 2035**

This application is located in a Town Center or Local Center, per Plan 2035. Town/Local Centers include a range of auto-accessible centers that anchor larger areas of suburban subdivisions. The average net housing density for new development is 10–60 dwelling units/acre (du/ac). The vision for the subject property, in the Brandywine Town Center, is mixed use (page 19 “Local Centers,” and page 108 “Table 16: Plan 2035 Center Classification System, Town Centers (Local)”).

**Master Plan/Zoning**

The master plan recommends mixed-use land uses on the subject property. These areas cover various residential, commercial, employment, and institutional uses. Residential uses may include a range of unit types. Different mixed-use areas may vary, with respect to their dominant land uses, i.e., commercial uses may dominate overall land use in one mixed-use area, whereas residential uses may dominate in another (Table IV-1: Future Land Use Map Designations,



Descriptions, and Applicable Zones [Subregion 5] (page 31), and Map IV-5: Brandywine Community Center Core and Edges (page 50)).

The master plan reclassified the subject property into the Mixed Use-Transportation Oriented (M-X-T) Zone (page 183). On November 29, 2021, the Prince George's County District Council approved Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M-X-T Zone to the TAC-C Zone, effective April 1, 2022.

Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, this application is consistent with Plan 2035 and conforms to the land use recommendations of the master plan. Although the development for this site is solely for residential use, the overall town center will retain a mix of uses, given the existing nearby commercial development.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a stormwater management (SWM) concept plan has been approved by the Prince George's County Department of Permitting Inspections, and Enforcement (DPIE). An approved SWM Concept Plan (16172-2022-00) and letter were submitted with this PPS. The approval letter is dated December 15, 2022, and it expires on December 15, 2025. The concept proposes the use of seven micro-bioretenion facilities, one submerged gravel wetland, and an underground storage facility to manage the stormwater. Technical SWM management design is subject to approval by DPIE.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS, as it pertains to public parks and recreational facilities, was evaluated as follows:

Park and recreation amenities serving the subject property include the Southern Area Aquatics and Recreation Complex (SAARC), located approximately 3 miles north of the development site; the Pleasant Spring Park, approximately 3 miles northwest of the development site; and the Brandywine-North Keys Park, approximately 4.5 miles to the northeast.

#### **Master Plan Conformance**

This PPS was reviewed for conformance to the master plan; Plan 2035; the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*; and the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, pursuant to Section 24-4101(b). The master plan indicates that Brandywine contains approximately 261 acres of local parkland, which is sufficient to meet projected needs through 2030. Additional acquisitions are recommended to meet long-term needs, including the proposed acquisition of land along the Mattawoman Watershed Stream Valley Park and Timothy Branch. The development aligns with the master plan's intention to conserve the area's stream valleys, preserve other natural resources, and provide passive recreation opportunities for residents.

### **Subdivision Regulations Conformance**

Section 24-4601 of the Subdivision Regulations, which relates to mandatory dedication of parkland, provides for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. Based on the density of the development, 15 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 1.24 acres. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. Therefore, the 1.24 acres of dedicated land would not be sufficient to provide for the types of active recreational facilities that are needed by the residents. The applicant proposed to instead meet the mandatory dedication requirement with on-site recreational facilities. The proposed facilities include a fitness center, a resident lounge with gaming amenities, and a swimming pool with courtyard.

Separate from the requirements of mandatory dedication, and as noted above, the applicant is required to continue development of the master-planned Timothy Branch Trail, which aligns with Matapeake Business Drive along the frontage of the subject property. The Timothy Branch Trail will connect to Villages of Timothy Branch and Stephen's Crossing, with an ultimate connection to the SAARC facility. The trail also has a southern connection to Brandywine Crossing Shopping Center.

The plans submitted with the PPS, including the Type 1 tree conservation plan (TCP1) and the SWM concept plan, show sidewalks and crosswalks within the residential development. These provide pedestrian connections from the residential buildings to the private recreational amenities, as well as to the relocated Timothy Branch Trail along Matapeake Business Drive. The proposed sidewalk network is, however, not contiguous around proposed Building 3000 and should be connected. The connection of the sidewalk network around proposed Building 3000 will provide private pedestrian circulation within the site, that could function as an outdoor amenity to compliment the proposed indoor amenities, while providing access to the Timothy Branch Trail. The applicant's proposal to meet mandatory dedication with on-site private facilities is found to be acceptable, with the addition of connecting the sidewalk network around proposed Building 3000. The private recreation facilities shall be reviewed by the Urban Design Section of the Development Review Division, at the time of detailed site plan (DET).

The Planning Board finds that future residents would be best served by the provision of on-site private recreation facilities, and that the facilities meet the requirements of mandatory parkland dedication. The PPS is found to be in conformance with the applicable master plans and the requirements of Subtitle 24, as they pertain to parks and recreation facilities.

9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the Subdivision Regulations, to provide the appropriate transportation facilities.

### **Prior Conditions of Approval**

The site was governed by previously approved PPS 4-97124, but the subject application supersedes the originally approved PPS and will require a new site plan for development of the multifamily residential buildings.

However, Condition 21 from 4-97124, regarding construction of the Timothy Branch Trail, is relevant to the subject PPS and is copied below:

- 21. A trail easement shall be established and shown on the Final Plat of Subdivision on the Timothy Branch. The trail may be located within the 50-foot conservation buffer if deemed appropriate at the time of Detailed Site Plan review. The trail location shall provide dry passage outside of the wetlands and 100-year flood plain to the extent possible.**

The feasibility of the Timothy Branch Trail was evaluated for multiple developments along Matapeake Business Drive and Mattawoman Drive, specifically Villages at Timothy Branch (4-09003); Matapeake Business Park, Parcels 8 and 9 (4-16013); and Townes at Brandywine Crossing (4-19011). Originally planned as a hard surface trail, which would run along the Timothy Branch stream, it was determined that DPR had no plans to take over operation and maintenance of this trail, to construct any extension of the trail, or to acquire land within this stream valley as a park trail corridor. Instead, the trail was shifted to the east side of Matapeake Business Drive as an 8-foot-wide side path. Construction of the trail, in relation to the subject site, is discussed in greater detail below in the Master Plan Conformance section. Due to the trail's relocation, the trail easement reservation, which was previously established in accordance with this condition, along the southern edge of the site, is no longer necessary and shall be removed with the platting of this subdivision.

### **MASTER PLAN CONFORMANCE**

#### **Master Plan Right of Way**

The subject property has frontage on Matapeake Business Drive (MC-503/A-63), along the western bounds of the site. Per the MPOT and the master plan, the portion of Matapeake Business Drive that fronts the majority of the subject property is designated as a 4-lane master plan major collector roadway, with an ultimate ROW of 100 feet. However, the road is currently built as a 4-lane undivided road within 70 feet of ROW.

Prior to approval of the master plan, the subject site and surrounding sites were industrially zoned. The master plan rezoned the subject site, and several sites surrounding the subject property, to the M-X-T Zone and upgraded Matapeake Business Drive to a major collector facility. The master plan recommends the expanded road facility to support the growth envisioned in Subregion 5. A 100-foot-wide ROW is sufficient to support a major collector roadway needed to offset the planned density in the area, consistent with the master plan recommendation. However, construction of the major collector roadway, as envisioned in the master plan, is incumbent upon the total ROW width being acquired. At this time, there is no expectation that the completed Brandywine Shopping Center, abutting the opposite side of Matapeake Business

Drive, will in the near future redevelop and dedicate the additional 15 feet of ROW needed on the west side of the street.

The applicant proposed to dedicate 5 feet of ROW, which will not be sufficient to implement an 8-foot-wide side path along the frontage of Matapeake Business Drive, within the public ROW. An additional 3 feet shall be dedicated, for a total of 8 feet of ROW dedication.

The applicant also proposed 10 feet of future ROW, to be retained in private ownership and reserved in perpetuity, for dedication upon demand by the operating agency. This arrangement for facilitating the master plan ROW has been used and accepted by the Planning Board in previously approved PPS applications for properties along Matapeake Business Drive, including 4-16013 and 4-19011, due to the expectation that dedication on the other side of the street will not soon be accomplished. This approach will allow the operating agency to take jurisdiction over the land reserved at any time, following recordation of the final plat. It is noted that, because the determination is being made with this PPS for the land to be reserved in perpetuity to allow conformance to the master plan, there is no need for the land to go through the reservation process given in Section 24-3405 of the Subdivision Regulations, at the time of final plat. Prior to signature approval of the PPS, the plans shall be revised to show a separate parcel along the property frontage, which contains the reserved land. The creation of a separate parcel for this purpose is also consistent with the prior 4-16013 and 4-19011 approvals for adjacent properties. The separate future ROW dedication parcel shall be retained in common ownership with the development parcel, until such time that the operating agency demands the dedication. Rather than 10 feet, the parcel shall be 7 feet wide, to account for a total of 8 feet of ROW be dedicated with this PPS.

#### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends the following facility, which affects the subject site:

##### **Planned Shared Roadway: Timothy Branch Trail**

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies, regarding the accommodation of pedestrians and bicyclists (pages 9–10):

**Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

As previously discussed, the Timothy Branch Trail was evaluated as part of three prior PPS applications, all of which have frontage along Mattawoman Drive and Matapeake Business Drive. PPS 4-09003 is located directly north of the subject site. This PPS includes a portion of the Timothy Branch Trail, which falls within the stream valley and which was designated as a homeowners association trail only. However, an additional 8-foot-wide side path was approved on the east side of Mattawoman Drive, which transitions into Matapeake Business Drive as it moves south. PPS 4-16013 and 4-19011 also contain frontage along Matapeake Business Drive. For both of these projects, the Timothy Branch Trail was shifted to the east side of Matapeake Business Drive, as an 8-foot-wide side path.

On the subject site, which is directly south of the area subject to 4-09003 and directly north of the areas subject to 4-16013 and 4-19011, shifting the Timothy Branch Trail to be along the subject property's frontage of Matapeake Business Park Drive will connect the trail with the approved 8-foot-wide side path to the north and south and provide the pedestrian connectivity sought by the required trail, while not impacting environmental features associated with the stream valley. An 8-foot-wide side path is also consistent with the Prince George's County Department of Public Works and Transportation (DPW&T) Urban Street standards.

Section 27-4204(b)(1)(C) of the Zoning Ordinance requires 10-foot-wide sidewalks and 5 feet of additional sidewalk pedestrian clearance, to be provided along both sides of the street within the TAC-C Zone. The portion of the Timothy Branch Trail, proposed along the frontage of the subject site, would have to conform to this requirement. However, in the interest of maintaining a consistent pedestrian network along Matapeake Business Drive, it would be impractical to implement this requirement, given that the trail on abutting properties is only 8 feet wide. This requirement shall be waived, per Section 27-6207(a)(2)(C) of the Zoning Ordinance. An 8-foot-wide side path, along the property frontage, is required.

#### **TRANSPORTATION PLANNING REVIEW**

The applicant provided a circulation plan, as required by Section 27-6204 of the Zoning Ordinance; however, this plan does not reflect the applicant's most recently proposed site layout. The most up-to-date layout is shown on the TCP1 and SWM concept plan that were submitted with the PPS. Circulation was evaluated using the most up-to-date plans, with the older layout shown on the circulation plan used as reference. At the time of DET, the circulation plan will be required to be resubmitted and should, at that time, be consistent with the site layout shown on the DET.

Section 24-4200 of the Subdivision Regulations and Section 27-6200 of the Zoning Ordinance provide design requirements for access and circulation. As part of the initial review of the PPS, it was requested that the applicant provide a queuing analysis to evaluate the feasibility of the proposed single access point along Matapeake Business Drive, and to assess if any additional roadway improvements are needed to accommodate the expected volume of traffic. The latest PPS submission includes an operational analysis, as part of the traffic impact study. This analysis indicates that traffic generated by the site will not create any extensive queueing along Matapeake Business Drive, that will exceed the available storage. The analysis also concludes that turning

movements into the site can be accommodated within the current configuration of the ROW, without any additional improvements, such as turn lanes.

Section 27-6903(a)(1) of the Zoning Ordinance recommends a secondary point of vehicular access to or from the site, to ensure emergency vehicle access, if feasible. In this case, it is found that it is not feasible to provide an additional access point from Matapeake Business Drive, given the limited site frontage. If such an access were provided, it would not conform to state and County access management requirements and would create conflicts with vehicles and pedestrians accessing the site, as well as along Matapeake Business Drive. The Planning Board further finds that the location of the site makes it infeasible to gain a second access from any location, other than the street frontage, as the site is landlocked on its north, east, and south sides and so would require easements and cross access to adjacent properties that are currently undeveloped, in order to implement a second access point from one of those properties. With regard to a possible access limited to emergency vehicles only, if such an access were added, this would entail a site redesign whereby only emergency vehicles would gain access to the internal drive aisles from the second access point. A second driveway into the site interior would be provided, but would go unused, except in emergencies. The Planning Board finds that the current site access design, with a single driveway for general access, is appropriate to provide safe operations and access for all modes of transportation, with minimal conflicts to motorists, bicyclists, and pedestrians travelling along Matapeake Business Drive.

Sections 27-6206(e), 27-6207(b), and 27-6208(b) of the Zoning Ordinance contain requirements for cross access between adjoining developments' internal vehicular, pedestrian, and bicycle circulation systems (respectively), which apply to this site. Cross access to neighboring developments was examined and implementation of these requirements for the subject site is not required. The subject site and the property to the south, to which cross access could conceivably be provided, have each been evaluated for site access, circulation, and parking, and have both been found to operate adequately with each site only having direct access to Matapeake Business Drive. An additional point of vehicle entry could negatively impact vehicular and pedestrian safety. In addition, the likelihood of cut-through traffic from the neighboring development could impact site circulation and vehicle stacking, which were analyzed on the subject property using only one point of access. In the interest of maintaining vehicular, pedestrian, and bicycle safety, implementation of cross access between adjoining developments should not be pursued. Specifically, vehicular cross access to adjoining sites shall be waived, per Section 27-6206(e)(2)(c); pedestrian cross access to adjoining sites shall be waived, per Section 27-6207(b)(2); and bicycle cross access to adjoining sites shall be waived, per Section 27-6208(b)(2).

With regard to internal site circulation, the plans show approximately 140 feet of throat length provided along the site access point, between Matapeake Business Drive and the internal parking lot. The throat length shown on the plans is sufficient and will ensure that any on-site vehicle maneuvers, to the first intervening intersection or to the parking area shown on the plan, will not impede operations along Matapeake Business Drive. The site layout provides adequate stacking space to accommodate any queuing along the single access driveway. The site shall be developed

with a minimum stacking area of 140 feet, from the single access connection from Matapeake Business Drive to the first intervening intersection on-site, as depicted on the submitted plans.

The submitted plans also depict vehicular movement throughout the development. While there are no objections to the internal circulation proposed, prior to acceptance of the DET, the applicant shall show traffic calming devices throughout the site on the DET, in accordance with DPW&T's design standards or any other nationally recognized standards for traffic control devices. The exact location and details of said improvements shall be evaluated with the DET review.

The submitted plans show five multifamily buildings on-site, to accommodate the 221 dwelling units, as well as a clubhouse and pool. On-site sidewalks and crosswalks have been provided to allow safe and efficient pedestrian access within the development. To ensure safe and efficient bicycle access, the applicant shall provide long-term bicycle parking and short-term bicycle parking at each building entrance and the clubhouse. In addition, given the nature of the residential development and the anticipated demand for rideshare services, consistent with best practices curb space management, the applicant shall provide designated areas at each building for rideshare vehicles, as well as signage directing drivers to the rideshare pickup and drop-off location. These features will enhance on-site circulation and further avoid any potential queuing within the site. All of the above listed features shall be shown on the plans, prior to acceptance of the DET.

The proposed access and circulation is found to be sufficient and will conform to the design standards outlined in Section 24-4200 and Section 27-6200.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the findings required of Subtitle 24, and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4104(b)(1) of the Subdivision Regulations. Chapter VII of the master plan, Public Facilities, establishes the following goals for public facilities within Subregion 5:

- **Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population.**
- **Schools operate at 100 percent of capacity or less to provide an effective, quality learning environment.**
- **Priority is given to funding public facilities to support development in the Developing Tier policy area.**
- **All new public facilities are constructed to LEED (Leadership in Energy Efficiency and Design) standards, or the equivalent and existing buildings will be retrofitted to make them energy efficient.**

The development will not impede achievement of any of the above-referenced goals. This PPS is subject to approved Certificate of Adequacy ADQ-2022-061, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the development. In addition, in direct response to the above-referenced goal for schools, cluster capacity for Elementary, Middle, and High Schools remains below 100 percent, with the projected enrollment from the project included. The master plan does not propose any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property. As discussed in the findings below, the public facility analysis has determined that the studied facilities are adequate to serve the development.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405, the 2018 Water and Sewer Plan placed this property in the water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer and undeveloped land with a valid PPS approved for public water and sewer.

11. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUE) is given in Section 24-4205 of the Subdivision Regulations. PUEs must be located outside the sidewalk and must be contiguous to the ROW. The subject site has frontage along the existing public ROW of Matapeake Business Drive, and the PPS depicts the required 10-foot-wide PUE along this street, abutting the ultimate ROW line. In this location, the PUE will be continuous with previously recorded PUEs to the north and south of the property.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 155–159). However, these are not specific to the subject site or applicable to the development. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.

A Phase I archeological survey was conducted on the subject property in April 2022. The archeological survey consisted of documentary research and fieldwork. Testing of the project area consisted of a systematic shovel test pit (STP) survey conducted at 15-meter and 30-meter intervals to determine the presence of cultural deposits. A total of 188 STPs were excavated. One



prehistoric archeological Site, 18PR1227, was identified and was designated as the Obie Rocks site. Two adjacent STPs contained lithic debitage indicating the presence of a precontact Native American site. One STP (N1180 E1150) contained a fragment of quartz shatter. The adjacent STP, N1165 E1150, contained one rhyolite secondary flake fragment. Subsequent close-interval radial testing, at cardinal directions around each positive STP, did not result in the recovery of additional artifacts.

Due to the nature of the artifacts recovered from the Obie Rocks site, it is categorized as an ephemeral lithic scatter. Sites of this type are of short duration and, due to the lack of diagnostic artifacts, cannot be attributed to a specific time period. Sites of this type are generally considered to be satellite hunting or resource procurement forays tied to a larger habitation site. A review of previously identified sites in the vicinity indicates that there are three similar low-density scatters and four sites with denser artifact assemblages dating to the Middle to Late Archaic periods, any of which could be the base for Site 18PR1227.

The Obie Rocks site is a low-density scatter of lithic artifacts that were recovered entirely from a plowzone context. No diagnostic artifacts or cultural features were identified during the survey. As such, the site holds minimal research value, and no further testing or evaluation was recommended on the site. No additional archeological investigations are necessary on the subject property.

13. **Environmental**—The subject PPS and TCP1 were received on November 14, 2022. Environmental comments were provided at the SDRC meeting on November 28, 2022. Revised information was received on December 15, 2022. The application is in conformance with the environmental regulations of Section 24-4300 of the Subdivision Regulations and Section 27-6800 of the Zoning Ordinance, as discussed herein.

The following applications and associated plans were previously reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-97124	TCPI-026-91	Planning Board	Approved	3/26/1998	98-84
NRI-158-06	N/A	Planning Director	Approved	11/28/2006	N/A
NRI-158-06-08	N/A	Planning Director	Approved	10/13/2022	N/A
PPS-2022-003	TCP1-026-91-05	Planning Board	Pending	Pending	Pending

### **Grandfathering**

The project is subject to the most current environmental regulations contained in Subtitles 24 and 27 and is also subject to the woodland conservation requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO).

### **Site Description**

The overall property of the Brandywine 301 Industrial Park, including Brandywine Crossing Apartments, Phase II, has expanded over time to include 182.35 acres.

The current PPS is for an 8.27-acre site, located on the east side of Matapeake Business Drive, approximately 1,280 feet north of its intersection with Timothy Branch Drive. A 100-year floodplain is located along the eastern boundary, slightly encroaching onto the property. There is potential forest interior dwelling species (FIDS) habitat mapped on-site, contiguous with FIDS habitat mapped within the 100-year floodplain on properties located to the east. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. A stream system is located to the north and east of Parcel 12, which is part of the Mattawoman Creek subwatershed and within the Potomac River basin. The site does not contain a stream identified as a Tier II water, but is located within a Tier II catchment for Mattawoman Creek 1. The site is located within the Established Communities area of the Growth Policy Map and in Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. According to the 2017 *Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the property is within regulated and evaluation areas.

## MASTER PLAN CONFORMANCE

### Master Plan

The master plan contains environmental-related policies and strategies that are applicable to the subject application.

The text in **bold** is from the Environment section of the master plan and the plain text provides comments on plan conformance.

### A. Green Infrastructure

#### Policies

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The mapped Green Infrastructure network on this site contains regulated and evaluation areas over most of the site. The overall Brandywine 301 Industrial Park site contains stream buffers and 100-year floodplain within the delineated primary management area (PMA), which were determined at the time of previous

PPS and DSP approvals to be protected by conservation easements, to the fullest extent possible. The PPS does not request PMA impacts. However, impacts to the PMA for grading are shown on the TCP1, in the northwest corner of the property. Prior to signature approval of the PPS, the layout on the TCP1 shall be revised to remove any impacts to the PMA.

## **B. Water Quality, Stormwater Management, and Groundwater**

### **Policies**

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

An approved SWM Concept Plan (16172-2022) was submitted with this PPS. The plan proposes seven micro-bioretenment facilities, one submerged gravel wetland, and an underground storage facility to manage stormwater. Technical SWM management design is subject to approval by DPIE. Development of the site, in conformance with the SWM concept approval and any subsequent revisions, will help protect water quality in local groundwater recharge areas.

## **E. Air Quality and Greenhouse Gas Emissions**

### **Policies**

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

The building methods proposed will be reviewed during subsequent reviews for conformance to Section 27-61600, Green Building Standards, of the Zoning Ordinance, which may help the development address air quality and greenhouse gas concerns.

## **G. Noise Intrusion**

### **Policy**

- **Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion.**

This proposal will not generate excessive noise.

### **Conformance with the Green Infrastructure Plan**

The site contains regulated and evaluation areas of the Green Infrastructure Plan. These include stream buffers and 100-year floodplain associated with Timothy Branch in the Mattawoman Creek watershed and the Potomac River basin.

The following policies and strategies are applicable to the subject application. The text in **bold** is from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

### **POLICY 1: Protect, preserve, and enhance the identified green infrastructure network within the master plan area.**

The subject property contains regulated areas and evaluation areas identified in the Green Infrastructure Plan. These areas are located within the Mattawoman Creek watershed, which is a primary corridor and a special conservation area. The submitted application shows preservation of the regulated areas and areas adjacent to all regulated areas, in general conformance with the Green Infrastructure Plan; removal of the PMA impact shown on the plans (which has not been requested and is not approved) will be needed for full conformance. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

### **POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

- 2.4 **Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 **Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

**2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

Prior applications, for the overall Brandywine 301 Industrial Park, showed preservation of the regulated areas and areas adjacent to the regulated areas, to the greatest extent practicable. No additional impacts to regulated features were requested with this application, however, impacts to the PMA for grading are shown on the TCP1, in the northwest corner of the property. Prior to signature approval of the PPS, the layout on the TCP1 shall be revised to remove any impacts to the PMA.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

**3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

Matapeake Business Drive is located outside of the regulated environmental features (REF), to the extent practicable. This PPS keeps the road, as previously approved. The Timothy Branch Trail was relocated outside the REF with prior approvals for adjacent sites, and this PPS similarly relocates the trail.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

**4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Woodland conservation easements have been established on the overall Brandywine 301 Industrial Park site. No new woodland conservation easements

will be required as part of this application, as the overall site requirements have been met. A conservation easement and floodplain easement will be required to be established on the subject site.

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

An approved SWM Concept Plan (16172-2022) was submitted with this application. The concept proposes seven micro-bioretenment facilities, one submerged gravel wetland, and an underground storage facility to manage the stormwater. Technical SWM design is subject to approval by DPIE. Development of the site, in conformance with the SWM concept approval and any subsequent revisions, will help protect water quality.

**POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

***General Strategies for Increasing Forest and Tree Canopy Coverage***

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

***Forest Canopy Strategies***

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The overall development was subject to multiple reviews, to ensure that the maximum amount of woodland conservation is provided on-site, and tree canopy coverage is provided, to the greatest extent practicable.

**POLICY 12: Provide adequate protection and screening from noise and vibration.**

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

A-55 is a future MPOT-designated arterial, which is regulated for noise with respect to the proposed residential development. A noise study was submitted with this PPS and is reviewed in the Noise finding of this resolution.

**ENVIRONMENTAL REVIEW**

**Natural Resources Inventory**

Section 27-6802 of the Zoning Ordinance requires an approved natural resources inventory (NRI) with PPS applications. Approved NRI-158-06-08 was submitted with the PPS.

The mapped Green Infrastructure network on this site contains regulated and evaluation areas over most of the site. The site contains stream buffers and 100-year floodplain within the delineated PMA. The TCP1 and PPS show all required information correctly, in conformance with the NRI. No additional information is required regarding the NRI.

**Woodland Conservation**

This project is subject to the WCO contained in Subtitle 25, Division 2, of the County Code. Although the site has a previously approved PPS and TCPI for an industrial project, approved under the 1993 WCO, the current project is substantially different from that approval, as it now includes residential development. The site is part of an overall TCPI and will be reviewed as part of that plan because the 2010 WCO requirements will not impact the TCP1 review. A separate TCP2 will be required with the DET. Note 10 on the TCP1 coversheet shall be modified to state that Parcel 12 is subject to the 2010 WCO. The woodland conservation threshold for the overall

Brandywine 301 Industrial Park 182.35-acre property is 15 percent of the net tract area, or 24.55 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 35.88 acres. This requirement is to be satisfied with 16.05 acres of on-site preservation and 19.83 acres of off-site woodland conservation credits. Prior to the signature approval of the PPS, the individual parcel worksheet shall be removed, and the overall worksheet shall be reflective of any changes with PPS-2022-003 and the removal of TCP1-023-2020 from the overall TCPI-026-91.

Technical revisions to the TCP1 are required and included in the conditions of this approval.

### **Specimen Trees**

The site is subject to the 2010 *Woodland Conservation and Tree Preservation Ordinance* and is subject to the current requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Specimen trees 564 and 565 are tulip poplars and are located on the eastern portion of the PPS, within the PMA. Both specimen trees are to remain. Every effort should be made to preserve the trees in place, considering the species' poor ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances). The critical root zone of these trees should not be disturbed.

### **Regulated Environmental Features**

This site contains REF that are required to be preserved and/or restored, to the fullest extent possible under Section 24-4300, Environmental Standards. The on-site REF includes stream buffers and 100-year floodplain.

Section 24-4303(d)(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 REF 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."

This PPS did not request impacts to REF. However, impacts to the PMA for grading are shown on the TCP1, in the northwest corner of the property. Prior to signature approval of the PPS, the layout on the TCP1 shall be revised to remove any impacts to the PMA.

Because no statement of justification was submitted for impacts to the PMA, the REF on the subject property will be preserved, to the fullest extent possible. The TCP1 shall be revised to remove the proposed grading to the PMA, in the northwest section of the site. No impacts to REF are approved with this PPS.



### **Soils**

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board “shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to: a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.” The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Aquasco silt loam, Beltsville silt loam, Grosstown gravelly silt loam, Potobac-Issue complex, and Udorthents reclaimed gravel pits. No unsafe soils, such as Marlboro clay or Christiana complexes, have been identified on or within the immediate vicinity of this property.

### **Erosion and Sediment Control**

Section 24-4303(d)(7) of the Subdivision Regulations requires approval of a concept grading, erosion and sediment control plan by the Soil Conservation District, which shall be required prior to final approval of the PPS (minor or major), if required by Subtitle 32: Water Resources Protection and Grading Code. According to Section 32-126(a), a concept sediment control plan is required before a grading permit is issued for any site, therefore, a concept sediment control plan is required for this project. The TCP1 must reflect the ultimate limit of disturbance, not only for installation of permanent site infrastructure, but also for installation of all temporary infrastructure, including erosion and sediment control measures. Prior to signature approval of the PPS, a copy of the approved concept erosion and sediment control plan must be submitted, so that the ultimate limit of disturbance for the project can be verified and shown on the TCP1.

14. **Urban Design**—The development project will be subject to DET review.

### **Conformance with the Requirements of the Prince George’s County Zoning Ordinance**

The PPS includes one parcel for 221 multifamily dwelling units. The use is permitted on this property; and this development will be required to file a DET, in accordance with Section 27-3605(a)(2)(N) of the Zoning Ordinance, since construction of more than 10 multifamily dwelling units is proposed. Conformance with Zoning Ordinance regulations is required for the proposed development and will be reviewed at the time of DET including, but not limited to, the following:

- Part 27-5 Use Regulations;
- Section 27-4204 requirements for Transit-Oriented/Activity Center Base Zones as applicable;
- Section 27-6200 Roadway Access, Mobility, and Circulation;
- Section 27-6300 Off-Street Parking and Loading;
- Section 27-6400 Open Space Set-Asides;

- Section 27-6600 Fences and Walls
- Section 27-6700 Exterior Lighting;
- Section 27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards.
- Section 27-61500 Signage
- Section 27-61600 Green Building Standards

The following findings relate to Zoning Ordinance conformance:

- a. Section 27-4204(b)(1)(A) states:
  - (i) **The internal vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or approved future development on adjoining lots.**
  - (ii) **Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the land records of Prince George's County, Maryland.**

The abutting property to the south, Parcel 1, is proposed to be developed with 325 multifamily dwellings (PPS 4-16013 and DSP-17011). The property to the north, Outlot C, is vacant, and is currently shown on the overall Type 1 Tree Conservation Plan (TCPI-026-91) as tree preservation area. Cross access between developments is also a requirement of Sections 27-6206(e)(2), 27-6207(b), and 27-6208(b). The PPS does not show any easements to allow for vehicular, bicycle, or pedestrian cross access. However, as discussed in the Transportation section of this resolution, the cross access requirements are waived.

- b. The location and design of curb cuts shall comply with the standards in Table 27-4204(b)(1)(B) for the TAC-C Zone, which require the minimum distance from other curb cuts on the same block face to be 100 feet, and the maximum curb cut width to be 24 feet. The SWM concept plan and TCP1 show a monumental entrance driveway. While the curb cut widths are not dimensioned, they appear to meet the standard. The proposed median, however, will need to be designed as a pedestrian refuge.
- c. Section 27-4204(b)(1)(C) requires that 10-foot-wide sidewalks shall be provided on both sides of the street, with a minimum 5-foot-wide sidewalk pedestrian clearance zone. The

SWM concept plan depicts an 8-foot-wide side path along Matapeake Business Drive, with an 8-foot-wide sidewalk pedestrian clearance zone. A 10-foot-wide sidewalk is waived with this PPS, as discussed in the Transportation section of this resolution, and an 8-foot-wide side path shall be provided. The property frontage will be further evaluated with the DET, including the following requirements of the TAC-C Zone:

- A 5-foot-deep by 8-foot-wide street tree planting area for street trees, planted every 40–50 feet on center;
  - At least one walkway from an adjacent sidewalk to each pedestrian entrance required in Section 27-4204(b)(1)(F)(iii), Building Entrances; and
  - Where a sidewalk, greenway path, or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.
- d. In accordance with Section 27-4204(b)(1)(D), the minimum required number of off-street vehicle parking spaces shall be 50 percent of the minimum requirements in Section 27-6305(a), and the maximum number of off-street vehicle parking spaces shall be 150 percent of the minimum requirements calculated, in accordance with Section 27-6305(a). The submitted plans show 300 parking spaces provided, which is well within both the minimum and maximum number. The applicant could consider removing a few parking spaces to enable future cross access and/or complete the pedestrian loop around Building 4000, Building 3000, and the clubhouse.
- e. Section 27-4204(b)(1)(E) provides requirements for arrangement and design of off-street vehicle parking in the TAC-C Zone:
- (i) All proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s), or in a parking structure.
  - (ii) Break up parking lots, with more than 100 parking spaces, into smaller modules which are visually separated.
  - (iv) Locate bicycle parking within 50 feet of the primary pedestrian entrance.
- The proposed vehicular parking shown on these plans conform to requirements (i) and (ii) above. Several areas of bicycle parking would need to be moved closer to the building entrances, in order to conform to requirement (iv).
- f. Section 27-4204(b)(1)(F) provides building form standards in the TAC-C Zone, including placement, massing and scale, location of entrances, and fenestrations. These standards will be evaluated at the time of DET, when building architecture is provided for review.

- g. Section 27-4204(d)(3) provides intensity and dimensional standards applicable to multifamily dwelling development in the TAC-C Zone:
- Block length: minimum 200 feet; maximum 600 feet
  - Minimum lot area: 1,500 square feet
  - Lot Width, Minimum: 20 feet
  - Density: Minimum 15 dwelling units/acre; Maximum 80 dwelling units/acre.
  - Lot Coverage: Minimum 50 percent; Maximum 100 percent of net lot area.
  - Build-to line: Minimum 15 feet; Maximum 27 feet.
  - Building width in build-to zone: Minimum 70 percent of lot width
  - Building façade fenestration/transparency minimum percent of street-level façade area): 40 percent abutting or facing a street frontage or pedestrian way; 35 percent facing a public gathering place
  - Principal structure height: Minimum 24 feet; Maximum 80 feet.

This development includes a density of 27.9 dwelling units/acre, which is within the maximum and minimum density standard for this property. Based upon the site layout depicted on the SWM concept plan, the northeastern most building (Building 1000) will not meet the maximum build-to line requirement of 27 feet along its full length, due to the irregular front property line. Conformance with these standards will be further evaluated with the DET, when building architecture is provided.

- h. The following development standards should be addressed at the time of DET:
- Section 27-6309(a)(2) requires bicycle racks or lockers to accommodate at least 4 bicycles, and accommodate at least 2 additional bicycles for every 10 parking spaces above 10 spaces.
  - The development will require a 7.5 percent minimum open space set-aside, per Table 27-6403. An exhibit was submitted by the applicant with the PPS, demonstrating that this requirement will be met by the open lawn area surrounding the proposed multifamily buildings. Section 27-6406(d)(2) provides requirements for prioritization of open space set-aside in the transit-oriented/ activity center base and planned development zones. In this section, highest priority is given to the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities.

The open space set-aside exhibit will be required to be resubmitted with the DET and should be updated to reflect the most recent site layout, at that time. Pursuant to Section 27-6408(a)(3), easements or covenants shall be established for the maintenance and management of the open space set-asides on this single-parcel subdivision. The area subject to the easements/covenants shall be delineated on the DET and final plat, and the associated documents shall be submitted for review and approval by M-NCPPC, prior to approval of the final plat.

- Section 27-6903(a)(1)—Development with more than 20 dwelling units shall have at least one secondary point of vehicular access to or from the site to ensure emergency vehicle access, if feasible. As discussed in the Transportation section of this resolution, a second access point is not found to be feasible.
- Section 27-6903(b)(1)—No more than 50 percent of off-street surface parking may be located between a building and the street it faces, unless the parking bays are screened from view from the street by another building. Interior structures, within a multi-building development served by a central private driveway, are exempted from this requirement. The proposed vehicular parking, shown on the most recent plans, conforms to this requirement.
- Section 27-6903(c)(2)—Multifamily developments with more than one building shall be configured, so that primary building entrances are oriented towards external streets, internal streets, or open space areas (like mews or courtyards). Buildings may be oriented towards off-street parking lots, only in cases where no other practical alternative exists. The site layout currently depicts the multifamily buildings oriented towards the internal parking lots. There are opportunities to orient most of the buildings toward external streets and open spaces.
- Section 27-61603(a)(1)(B), Green building point system—This development will be required to achieve a minimum of four points.

#### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties that are zoned TAC-C are required to provide a minimum of 10 percent of the gross tract area, which equals to approximately 0.83 acre for this property, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of DET review.

#### **Conformance with the Requirements of the Prince George's County Landscape Manual**

The development is subject to the 2022 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.8, Building Frontage Landscape Requirements; and Section 4.9,

Sustainable Landscaping Requirements, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of DET review.

15. **Noise**—The development is subject to the noise control standards contained in Section 27-6810 of the Zoning Ordinance. Section 27-6810(d) states the following:

**Residential lots and uses that are adjacent to existing or planned streets classified as arterial or higher shall demonstrate that outdoor activity areas are mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that interior noise levels are mitigated to 45 dBA or less through the submission of a noise study prepared and signed by a professional engineer with competence in acoustical engineering.**

The development is adjacent to a planned arterial road, A-55. The applicant submitted a Phase 1 noise study with the subject PPS, to study the effects of the future noise generated by the roadway on the development. The noise study shows that two of the proposed buildings will be exposed to noise levels above 65 dBA/Ldn; a Phase 2 noise study will therefore be required at the time of DET, to show how the building architecture will mitigate interior noise to 45 dBA/Ldn or lower.

The noise study shows that, in general, the proposed outdoor swimming pool and courtyard will be shielded from high noise levels by Building 3000. However, the Phase 1 study does not show a 55 dBA noise contour, nor does it give any information on what time of day the contours shown would be applicable. The Phase 2 study should determine the position of the 65 dBA/Ldn noise contour, between the hours of 7:00 a.m. and 10:00 p.m., and the position of the 55 dBA/Ldn noise contour, between the hours of 10:00 p.m. and 7:00 a.m., to evaluate conformance to Section 27-6810(d). The Phase 2 study should also determine any necessary noise mitigation for the courtyard and pool, with final design of the buildings. It is noted that, with this PPS, a walking loop connecting to the Timothy Branch Trail is required as an additional outdoor recreation amenity. Completing the currently proposed sidewalks into such a loop would place a small part of the amenity into the 65 dBA/Ldn noise contour shown in the Phase 1 study. However, based on the pedestrian use of this amenity, it is not expected that the area within the 65 dBA /Ldn contour would be subject to sustained recreational use; rather, walking residents would enter the area for only a short time before leaving again. For this reason, staff does not find noise mitigation necessary for the walking loop.

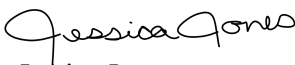
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*


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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, January 19, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of February 2023.

Peter A. Shapiro  
Chairman

  
By Jessica Jones  
Planning Board Administrator

PAS:JJ:EDC:rpg

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

Dated 1/31/23