PGCPB No. 07-83 File No. SDP-0519

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 12, 2007, regarding Specific Design Plan SDP-0519 for Brandywine Village, the Planning Board finds:

1. **Request:** The subject application is for approval of 97,597 square feet of a 115,947-square-foot integrated shopping center.

2. **Development Data Summary:**

	Existing	**Proposed**
Zone	L-A-C	L-A-C
Uses	Vacant	Integrated Shopping Center
Acreage (in the subject SDP)	14.7595	14.7595
Square footage	0	97,597

3. **Location:** The property is located south of Chaddsford Drive, approximately 100 feet west of its intersection with Robert Crain Highway (US 301).

4. **Surroundings and Use:** The area immediately south of the subject specific design plan, currently vacant, is proposed to be utilized by the remaining portion of the integrated shopping center. The remainder of the land to the south of the specific design plan will remain vacant. This includes a small triangle on the extreme western end of the development and dedicated right of way on the southeastern end near US 301. Clymer Drive is located to the south of the entire integrated shopping center, with a liquor store, currently, and a stormwater management pond, planned to its south. The project is bordered to the west by environmentally sensitive floodplain and stream buffer to be conveyed to M-NCPPC; to the north by undeveloped land zoned LAC and to the east by dedicated right-of-way extending in an eastward direction to the limits of US 301.

5. **Previous Approvals**: Previous approvals on the site include Basic Plan A-9878, Comprehensive Design Plan CDP-0102/02 and Preliminary Plan of Subdivision 4-05130.

6. **Design Features:** This portion of the shopping center is accessed via a two-way access onto Chaddsford Drive at its north end or via the parking lot of the southern portion of the site, which is accessed from Clymer Drive. This portion of the integrated shopping center includes a 56,200-square-foot Giant Food Store as an anchor, 4,200 square feet of retail space adjacent to its north and an additional 4,190 square feet of retail to its south. In addition, the following pad sites are provided:

Type Use	Square Footage	Location
Retail	3,200 square feet	East of access to Chaddsford Drive
Proposed Chevy Chase Bank	3,650 square feet	Northeastern corner of the side
Office/retail	10,500 square feet	South of the proposed Chevy Chase Bank
Office/retail	10,500 square feet	Southwestern corner of the site

Architecture for the project involves the use of prefinished standing seam metal on the small roofed areas, EIFS on the cornice and signbands, fabric awnings and/or metal canopies, a prefinished aluminum storefront window systems, ground-faced concrete masonry, aluminum coping and a brick watertable, as well as the use of brick pilasters to provide vertical accents and relief on the building's façade. Signage would be limited to one per tenant and would be composed of surface-mounted channel letters. The above enhanced treatment is not extended to the west (rear) elevation of the strip building. There materials are limited to painted CMU with aluminum coping with a painted concrete wall at its base.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Basic Plan A-9878—**Staff has reviewed the requirements of Basic Plan A-9878 and finds the plan to be generally in conformance with that approval. The basic plan for Brandywine Village, as approved in the Subregion V Master Plan, included a commercial shopping center of a maximum square footage of 115, 000. The 115,947 square feet (of which this specific design plan encompasses 97,597 square feet) offered by the subject center is within that maximum. Please note that condition 9 of the Basic Plan, at the suggestion of the Transportation Planning Section, has been carried forward to the recommendation section of this report.

8. **Comprehensive Design Plan CDP-0102/02:** Staff has reviewed the subject plan against the requirements of CDP-0102/02 and found the plan to be basically in conformance.

9. **Preliminary Plan of Subdivision 4-04112:** Conditions 2, 6, 7, 11 and 15 are relevant to the subject specific design plan. Each relevant condition is included in bold face type below, followed by staff's comments.

2. A Type II tree conservation plan shall be approved with the approval of the specific design plan.

Staff Comment: In a memorandum dated March 16, 2007, the Environmental Planning Section recommended approval of TCPII/126/98-06, subject to conditions. Provided the subject specific design plan is approved together with the tree conservation plan as recommended, the plan would be in conformance with an approved tree conservation plan.

6. At the time of review of the specific design plan, a determination shall be made if a Community-Oriented Police Office is warranted within the community and if office space should be made available to the Police Department for a Community Police Station as required by CR-60-1993.

Staff Comment: To date, no information has been received from the applicant regarding this condition, and the staff has not received a response from the Police Department regarding this issue. Staff recommends that the SDP be continued until this issue can be fully addressed with the Police Department.

7. The specific design plan shall address the requirement (CR-60-1993) that the applicant employ the use of audible alarms, fencing and private security to prevent crimes during the construction phase of development.

Staff Comment: Compliance with this requirement has been ensured by inclusion of a condition in the recommendation section of this report that applicant shall, prior to signature approval, include a note on the plans stating that the applicant shall employ the use of audible alarms, fencing and private security to prevent crimes during the construction phase of development.

11. Prior to the submittal of the required specific design plan or any grading or clearing on site, the applicant shall submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. The specific design plan and final plat, if necessary, should provide for the avoidance and preservation of the resources in place and appropriate plat notes should be required ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.*

Staff Comment: Please see finding 12B below for a review of archeological investigations on the site.

15. At the time of review of the specific design plan, a detailed analysis of pedestrian and trail facilities for the subject site will be conducted.

Staff Comment: As evidenced in the memorandum dated March 27, 2007 from the trails staff of the Transportation Planning Section, a detailed analysis of pedestrian and trails facilities for the subject site has been conducted. More specifically, the senior trails planner stated the following:
"One master plan trail is located in the vicinity of the subject site. The Subregion V Master Plan recommends a stream valley trail within Department of Parks and Recreation parkland along a tributary of the Timothy Branch. This stream valley trail will ultimately connect to the Timothy Branch Trail to the south and the planned trail along A-55 to the north. In addition to providing recreational opportunities for the residents of the subject site, the trail will also connect to a future library, elementary

school, and park & ride within the Brandywine Special Study Area. This trail, although included as part of the larger Chaddsford development, is beyond the scope of the subject application.

"Approved Preliminary Plan 4-04174 for Chaddsford includes an extensive network of planned trails, including the master plan stream valley trail, a complete trail loop around the planned lake, and several additional homeowners' association trail connections. The subject site will have access to and from these trails via the planned sidewalks along Chaddsford Drive. Condition 15 of approved preliminary plan 4-04112 requires:

> At the time of review of the SDP, a detailed analysis of pedestrian and trail facilities for the subject site will be conducted.

"The trail facilities approved as part of the Chaddsford development are beyond the scope of the subject application. However, the proposed sidewalk along Chaddsford Drive connects the subject site to the planned trail and sidewalk network in the adjoining Chaddsford development. An extensive network of internal sidewalks is also proposed as part of the subject application and is noted below.

"Condition 1 a. (10) of CDP-0102/01 requires:

> Standard sidewalks along both sides of all internal roads, unless modified by the DPW&T at the time of issuance of street construction permits.

"The subject application reflects standard sidewalks along both Chaddsford Drive and Clymer Drive, as well as an extensive network of internal sidewalks in keeping with this condition of approval.

"SIDEWALK CONNECTIVITY:

"The subject application includes an extensive network of internal walkways and sidewalks providing access across the internal parking lot, along proposed store frontages, and along adjoining roadways. The proposed sidewalks include the following:

- A wide walkway in front of the Brandywine Village Shopping Center
- A walkway in front of the two office/retail buildings
- A standard sidewalk along Chaddsford Drive
- A standard sidewalk along Clymer Drive
- Three east to west walkways/sidewalks across the parking lot connecting the proposed shopping center with the office retail space. These sidewalks will provide separate pedestrian areas within the parking lot. The northernmost of these connections also provides access to the two pad sites in the northeastern corner of the subject property.
- A standard sidewalk from Chaddsford Drive into the subject site

"RECOMMENDATIONS: Staff supports the internal sidewalk network as proposed on the submitted SDP, in conformance with approved 4-04112 and CDP-0102/01. No additional trail or sidewalk recommendations are made at this time."

In addition, applicant has provided an allée connecting the Giant Food store to the plaza located between the pad sites. A recommended condition below would enhance the landscaping of the allée by providing shade trees on either side.

10. **Zoning Ordinance:** The subject specific design plan is in general compliance with the applicable requirements of Zoning Ordinance as follows:
The project is in general conformance with the requirements of Section 27- 495 for Uses in the Local Activity Center (L-A-C) Zone and Section 27-486 for Regulations in the LAC Zone.

11. ***Landscape Manual*:** The project is subject to the requirements of Section 4.2 Commercial Landscape Strip adjacent to a Public Right-of way, Section 4.3a Parking Lot Landscape Strip Adjacent to a Public Right-of-way and Section 4.3c Parking Lot Interior Planting Requirements. Staff has reviewed the submitted landscape plans and supporting materials and determined that the plans are substantially in conformance with those requirements. Please note that only the C-S-C zoned, detailed site plan portion of Brandywine Village is subject to the requirements of Section 4.7 of the *Landscape Manual* due to its adjacency to residentially zoned land.

12. **Woodland Conservation Ordinance:** The site is subject to the provisions of the Woodland Conservation Ordinance because the property has a previously approved Tree Conservation Plan, TCPI/63/95-01. A Type II Tree Conservation Plan is required. As part of this review, a Type II Tree Conservation Plan, TCP II/170/06, has been reviewed and is being recommended for approval unconditionally by the Environmental Planning Section. Therefore, it may be said, that the subject plan is in general conformance with the requirements of the Woodland Conservation Requirements.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

    a. **Historic Preservation—**In comments dated December 4, 2006, the Historic Preservation Section stated that the subject project would have no effects on historic resources.

    b. **Archeological Review—**In a memorandum dated December 5, 2006, the staff archeologist made the following findings:

    - A Phase I archeological survey was conducted on a portion of the 14.75-acre Brandywine Village Property by R. Christopher Goodwin & Associates in 1992. Paula Bienenfeld, archeology consultant, reviewed a draft report, *Phase I Archaeological Survey on the Brandywine Tract, Prince George's County, Maryland*, in regards to Subdivision Case No. 4-04112 in April 2005. The Phase I survey identified one historic site, 18PR416, a domestic complex ranging in date

from the late 18th to the early 20th centuries. Staff agreed with the report's conclusions that Phase II archeological evaluation should be conducted on site 18PR416 to determine the site's boundaries, date, and integrity of significant resources. Site 41PR416 was the location of the Zadoch Robinson residence, Pheasant's Thicket (Maryland Historic Sites Inventory No. PR 85A-22), which was destroyed by fire around 1978. Zadoch Robinson was listed as a slave-holder in the 1850 and 1860 slave census schedules. The Phase I report also suggests that a Robinson family cemetery may have been located near the remains of the residence.

- A portion of the property was not covered in the previous Phase I survey, which was limited to the area 50 m from the access road leading to the house and the house site itself.

- In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 24-121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Based on those findings, the staff archeologist recommended both a Phase I and a Phase II archeological study be undertaken on the subject property. The details of the staff archeologist's recommendation have been included as conditions below.

c. **Community Planning—**In a memorandum dated November 22, 2006, the Community Planning Division stated that the application was not inconsistent with the 2002 *General Plan* Development Pattern policies for a possible future Center in the Developing Tier and that the application conforms to the land use recommendation of the 1993 Subregion V Master Plan for a Commercial/Neighborhood Activity Center at this location, as determined in the approval of previous Comprehensive Design Plan and preliminary subdivision applications.

d. **Transportation—**In a memorandum dated December 4, 2006, the Transportation Planning Section, noting that the relevant comprehensive design plan, CDP-0102/02 contained no transportation-related conditions, cited the applicable conditions from Basic Plan A-9878 (conditions 13, 14, 15, 16, 17, 18, 19, and 25) and Preliminary Plans of Subdivision 4-04112 (conditions 12, 13, and 14) and 4-05130 (conditions 8 and 9), making the following conclusions:

- Access and circulation is acceptable, and it is consistent with the preliminary plan. The overall access and circulation plan for the two sites taken together is cohesive and effective.

- The site is adjacent to US 301/MD 5, which is a master plan freeway facility, and General Lafayette Boulevard, which is a major collector facility within a 100-foot right-of-way. All required dedication has already occurred with past plans.

- The subject property is required to make roadway improvements in the area pursuant to a finding of adequate public facilities made in 2005/2006 for Preliminary Plans of Subdivision 4-04112 and 4-05130, and in consideration of the findings and conditions associated with Basic Plan A-9878. These findings were supported by a traffic study submitted in 2004. Insofar as the basis for the findings is still valid, and in consideration of the scope of this application, the transportation staff can make a finding that the subject property is in general conformance with the approved Preliminary, Comprehensive Design, and Basic Plans. From the standpoint of transportation, the Transportation Planning Section finds (a) that Specific Design Plan SDP-0519 will be served by adequate transportation facilities within a reasonable period of time; and (b) that Detailed Site Plan DSP-05115 is acceptable and meets the finding required for a detailed site plan in Section 27-285.

e. **Subdivision—**In a memorandum dated December 22, 2006, the Subdivision Section offered the following summary of the subdivision-related conditions of the previous approvals for Basic Plan A-9878, Comprehensive Design Plan CDP-0102/02, 4-04112 and 4-05130:

A-9878:

The Basic Plan for the Brandywine Village, as approved in the Subregion V Master Plan, included a commercial shopping center up to 115,000 square feet in area. This proposal is for less than that amount.

CDP-0102/02:

This approval included no subdivision-related conditions.

Preliminary Plan of Subdivision 4-04112: Conditions 2, 6, 7, 11, and 15 of this approval are relevant to the review of the subject specific design plan. Please see Finding 9 for a detailed discussion of these conditions.

Preliminary Plan of Subdivision 4-05130

This approval included no subdivision-related conditions.

f. **Trails—**In a memorandum dated January 8, 2007, the senior trails planner stated that he had reviewed the subject plan for conformance with trail requirements in the Countywide Trails Plan and/or the appropriate area master plan and that one master plan trail would be required

to be installed for the project. Specifically, the Subregion V master plan recommends a stream valley trail within Department of Parks and Recreation parkland along a tributary of the Timothy Branch, which would ultimately connect to the Timothy Branch Trail to the south and the planned trail along A-55 to the north. Further, he stated that in addition to providing recreational opportunities for the residents of the subject site, the trail would also connect to a future library, elementary school, and park and ride within the Brandywine Special Study Area, part of the larger Chaddsford development and beyond the scope of the subject application. He went on to note that Preliminary Plan (4-04174) for that larger project includes an extensive network of planned trails, including the master plan stream valley trail, a complete trail loop around the planned lake, and several additional homeowner association's trail connections. The subject site will have access to the trails via sidewalk to be installed on Chaddsford Drive. Condition 15 of approved Preliminary Plan 4-04112 requires that, at the time of specific design plan review, a detailed analysis of pedestrian and trail facilities for the subject site be conducted. The result of that analysis endorses the connection of the site to the proposed sidewalk along Chaddsford Drive, which in turn will connect to the planned trail and sidewalk network in the adjoining Chaddsford development. With respect to sidewalks internal to the development, the Senior Trails Planner noted that:

(1) An extensive network of internal sidewalks is proposed for the subject project.

(2) Condition 1 a. (10) of CDP-0102/02 requires standard sidewalks be placed along both sides of all internal roads, unless modified by the DPW&T at the time of issuance of street construction permits.

(3) Plans for the project include standard sidewalks along both Chaddsford Drive and Clymer Drive, as well as an extensive network of internal sidewalks in keeping with the comprehensive design plan condition.

d. The application provides for sidewalk connectivity both internal to the development and to adjacent properties.

In sum, the senior trails planner unconditionally supported the sidewalk network and connections as proposed on the submitted plans. Further, the allée required by the applicable comprehensive design plan, connecting the Giant to the plaza between the pad sites, has been included as part of the pedestrian circulation plan.

g. **Parks—**In a memorandum dated December 5, 2006, the Department of Parks and Recreation made the following recommendations:

- The specific design plan shall be revised to show the dedication of Parcel B to M-NCPPC. This plan shall include the parcel boundaries and acreage and shall be reviewed and approved by the Department of Parks and Recreation prior to certification of the specific design plan.

- Prior to the certification of the type II tree conservation plan, all tree conservation areas shall be removed from land to be dedicated to M-NCPPC.

The Department of Parks and Recreation's recommendations have been included as conditions in the recommendation section of this report.

h. **Permits—**In a memorandum dated November 17, 2006, the Permit Review Section made numerous comments that have either been addressed in revisions to the plans or in the recommended conditions below.

i. **Public Facilities—**In a memorandum received December 6, 2006, the Public Facilities Planning Section stated:

- That the plan is within the required seven-minute response time for the first due fire station Company 40 Brandywine, using the *7 minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

- The required fire and rescue facilities have been determined to be adequate and will not place an unreasonable burden upon public facilities.

- The Prince George's County Planning Department has determined that the subject project is located in Police District V, Clinton.

- The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments and that the subject project does not meet those requirements for police facilities.

j. **Environmental Planning—**In a memorandum dated March 16, 2006, the Environmental Planning Section offered the following:

The following text addresses previously approved environmental conditions related to the subject applications. The text in BOLD is the actual text from the previous cases or plans.

CR-60-1993

6. Sensitive natural features shall be preserved as amenities that help to define the pattern of neighborhoods.

Comment: The Type II Tree Conservation Plan shows the preservation of sensitive environmental features in a manner that helps to define the pattern of neighborhoods.

PGCPB No. 05-15, File No. 4-04174

2. A Type II Tree Conservation Plan shall be approved with the Specific Design Plan.

Comment: The revised Type II Tree Conservation Plan submitted with this application, TCPII/126/98-06 conforms to TCPI/46/97-05.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 21274-2003-00, and any subsequent revisions.

A revised Stormwater Management Concept Plan, CSD #21274-2003-01, was approved by the Prince George's County Department of Environmental Resources on July 19, 2004; however, this approval expires on April 1, 2007. This expiration date is expected to occur prior to certification of this SDP, therefore, a revised or updated approved Stormwater Management Concept Plan, in accordance with the current regulations, is required prior to signature approval of the SDP. The concept must be correctly reflected on the SDP and TCPII.

Recommended Condition: Prior to certification of the specific design plan, copies of an approved and updated stormwater management concept letter and plan for the subject site shall be submitted. The approved concept shall be reflected on the SDP and TCPII.

18. At time of Specific Design Plan review, the impacts proposed for stormwater management pond #3 shall be reevaluated and the impacts to the stream buffers on both sides shall be reduced to the fullest extent possible.

Comment: Stormwater management pond #3 is not included in this application.

21. At time of Specific Design Plan review all proposed easements shall be shown on the Type II Tree Conservation Plan. No woodland conservation shall be shown within these easements and the easements shall not be placed in areas that are required to be preserved.

Comment: The revised Type II Tree Conservation Plan submitted with this application, TCPII/126/98-06 provides all woodland conservation areas outside of all utility easements.

Environmental Review

1. Streams, wetlands, 100-year floodplains, and associated buffers are found throughout this property. The streams and wetlands are correctly shown on the plans submitted with this application; however, the expanded buffer does not include all of the regulated features on the site. The floodplain easement appears to be discontinuous in some areas, particularly near proposed Outlot A. The TCPII needs to show the full limits of the 100-year floodplain easement for this site, and include that easement, as well as the northern wetland buffer, into the expanded buffer. This revision will not affect the proposed design of the site.

During the review and approval of Preliminary Plan of Subdivision 4-96083, variations to Section 24-129 and Section 24-130 of the Subdivision Regulations were approved for the proposed impacts to streams, stream buffers, 100-year floodplain, wetlands and wetland buffers associated with road crossings for Chaddsford Drive and General Lafayette Boulevard. Impacts for the installation of sewer lines, outfalls for stormwater management ponds and at least one street crossing were approved with Preliminary Plan 4-03080. Impacts for the installation of sewer lines, outfalls for stormwater management ponds and at least one street crossing were approved with Preliminary Plan 4-04174. The impacts shown on SDP-0519 are consistent with those previously approved.

Recommended Condition: Prior to certification of the Specific Design Plan, the TCPII and SDP shall be revised to correctly show the 100-year floodplain easement. All regulated features, including the wetland buffers and 100-year floodplain easement shall be included in the expanded buffer.

2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are existing woodlands and there are previously approved Type I and Type II Tree Conservation Plans. The original CDP, Preliminary Plan, and TCPs were approved so that permits could be issued for the construction of sewer and water lines from US 301 to Phase I of "Brandywine Village" along McKendree Road. At that time, TCPI/47/96 was reviewed and was found to satisfy the requirements of the Prince George's County Woodland Conservation Ordinance. A revised Type I Tree Conservation Plan, TCPI/47/96-01, was approved with CDP-0102; TCPI/47/96-02 was approved with CDP-0102/01, TCPI/47/96-03 was approved with Preliminary Plan 4-03080; TCPI/47/96-04 was approved with Preliminary Plan 4-04112; and the most recent revision, TCPI/47/96-05, was approved with Preliminary Plan 4-04112.

   A Type II Tree Conservation Plan, TCPII/126/98, was approved for the entire project to allow the installation of water and sewer lines. The Type II Tree Conservation Plan is revised with each SDP. The revised Type II Tree Conservation Plan submitted with this application, TCPII/126/98-06, conforms to TCPI/46/97-05.

   The area of the TCPII covers approximately 212.29 acres, of which 34.81 acres is within the 100-year floodplain for a net tract of 177.48 acres. For this phase of development only, the plan proposes to clear 9.08 acres of woodland on the net tract and 0.09 acres within the 100-year floodplain. There is no off-site clearing proposed for this application. Cumulatively, the revised TCPII proposes to clear 104.17 acres of woodland on the net tract, 2.63 acres within the 100-year floodplain, and 0.99 acres off-site. The design of the woodland conservation areas encumbers no lots, protects the sensitive environmental features on the site and avoids fragmentation of the forest.

   The TCPII worksheet is not consistent with the information shown on the plan. For this phase of development, the worksheet states the area of woodland clearing in the 100-year

floodplain for the sewer line is 0.09 acres; however 0.11 acres is shown on the plan for that same area. The plan does not note the area of clearing for the proposed sewer line that is located outside of the expanded buffer, near Preservation Area 4.

The TCPII submitted with this application is part of a larger TCPII that is not reflected in the application package. Although the TCPII for the entire area is not required with this application, the sheet sections and sheet numbers must reflect the sheet sections and sheet numbers as the previously approved TCPII. The plan must also be revised to note all previous approvals by the Environmental Planning Section.

Recommended Condition: Prior to certification of the Specific Design Plan, the TCPII shall be revised as follows:

a. Revise the worksheet and plan to correctly reflect the area of clearing on the net tract and within the 100-year floodplain as well as the floodplain easement.

b. Show the same sheet sections and sheet numbers as the original approved TCPII.

c. Type all previous signature approvals and dates into the TCPII approval block and not the appropriate revisions in the revision box.

d. Eliminate the label "limits of TCPII" from the plan.

e. Revise the TCPII worksheet as necessary.

f. Have the plan signed and dated by the qualified professional who prepared them.

3. Although McKendree Road is identified as a historic road, this application proposes no impacts within 600 feet of McKendree Road.

Discussion: No further information regarding historic or scenic roads is required for the review of this Specific Design Plan.

4. Traffic-generated noise may impact portions of the property. US 301 is the eastern boundary of the subject property. The noise model used by the Environmental Planning Section predicts that the 65dBA noise contour is 531 feet from the centerline of US 301. This noise corridor will impact the L-A-C portion of the site. Noise mitigation for the site within this application is not required because it is a non-residential use; however, the noise contour must be shown on the TCPII.

Recommended Condition: Prior to signature approval of the Specific Design Plan and Type II Tree Conservation Plan, both plans shall be revised to show the location of the 65 dBA Ldn noise contour.

The Environmental Planning Section's suggested conditions have been included in the recommendation Section of this report.

k. **Fire Department—**In a memorandum dated December 13, 2006, the Prince George's County Fire/EMS Department offered comment on access for fire apparatuses, the design of private roads and the location and performance of fire hydrants.

l. **Department of Public Works & Transportation (DPW&T)—**In a memorandum dated January 12, 2007, DPW&T offered the following:

- Chaddsford Drive is permitted and maintained by the developer. Access to the proposed site is provided from Chaddsford Drive. Further review of access to this site is necessary.

- Clymer Drive is a county-maintained urban commercial and industrial roadway. Right-of-way dedication and roadway improvements for Clymer Drive along the frontage of the property in accordance with DPW&T's standards are required.

- The property is also located along the frontage of the proposed General Lafayette Boulevard, a modified collector roadway as shown on the area master plan. Right-of-way dedication and roadway improvements for General Lafayette Boulevard along the frontage of the property in accordance with DPW&T's standards are required.

- All storm drainage systems and facilities are to be designed in accordance with DPW&T's requirements.

- All improvements within the public right-of-way as dedicated to the county are to be designed in accordance with the county Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.

- The applicant is to satisfy all requirements stated in The Maryland-National Capital Park and Planning Commission's Planning Board Resolution 06-135 for File No. 4-05130, Brandywine Village Subdivision.

- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for the proposed General Lafayette Boulevard, Clymer Drive, and the subdivision streets is required.

Please note that while DPW&T's requirements are enforced through their separate permitting process, the preliminary plan requirements are addressed herein. Please see Finding 8 for a detailed review of those requirements. Additionally, in a revised comment received by staff on March 28, 2007, DPW&T stated that stormwater management for the project has been designed in accordance with the approved stormwater management concept

plan dated April 1, 2004.

m. **Washington Suburban Sanitary Commission (WSSC) –**In a memorandum dated December 6, 2006, WSSC stated that:

- Water and sewer extension would be required.
- An onsite plan review package should be submitted.
- Project #DA4388Z06 is an approved project within the limits of this proposed site.
- Additional right-of-way would be required (applicant should delineate and label right-of-way for the proposed ten-inch sewer and reserve additional easement to the northern property line for future sewer main extension crossing Chadds Ford Drive).
- The proposed sewer extension impacts stream, floodplain and buffers (applicant should show water connection and the proposed 12-inch water main extension in Clymer Drive on the plan).

n. **Maryland State Highway Administration (SHA)—**In a letter dated January 31, 2007, the State Highway Administration offered the following:

- We have been notified by our Project Planning Division that their review of the subject plan is complete. Based on the US 301 Southern Corridor Study- Western Waldorf Bypass alignments 6 and 8, the Brandywine Village Center will be impacted by the future upgrade of US 301. However, it appears, according the detailed site plan, that the required right-of way along the property frontage has been dedicated for public use per plat VJ 186-64.
- The site plan shows access to the Shopping Center will be via three access points: one located on Chadds Ford Drive approximately 500 feet west of US 301 and two located on Clymer Drive at 390 feet and 720 feet from US 301. The state recommends that the entrance located 390 feet from US 301 on Clymer Drive be designed to accommodate inbound traffic only given the close proximity of the entrance to US 301.
- The State Highway Administration review of a February 2004 traffic impact study on the commercial component of the Brandywine Village development concluded the development would negatively impact the US 301 corridor. However, fee-in-lieu of an improvement was recommended. The state supports that conclusion and monetary contributions established by M-NCPPC should be paid to the road club.

The recommendation that the entrance located on Clymer Drive 390 feet from its intersection with US 301 be designed to accommodate only inbound traffic has been incorporated as a

condition in the Recommendation section of this report.

14. As required by Section 27-528 of the Zoning Ordinance, the Planning Board must make the following findings prior to approval of the specific design plan:

(1) The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual.*

Comment: As detailed in Findings 8 and 11 above, the plan conforms to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.

(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

Comment: As per findings 13(d) and 13(i) above, the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development

(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

Comment: In revised comments received by staff on March 28, 2007, the Department of Public Works and Transportation stated that the subject specific design plan has been designed in accordance with the approved stormwater management concept plan, dated April 1, 2004, thereby ensuring that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

(4) The plan is in conformance with an approved Tree Conservation Plan.

Comment: In a memorandum dated March 16, 2007, the Environmental Planning Section recommended approval of TCPII/126/98-06, subject to conditions. Provided the subject specific detailed site plan is approved together with the tree conservation plan as recommended, the plan would be in conformance with an approved tree conservation 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 II Tree Conservation Plan (TCPII/126/98-06), and further APPROVED Specific Design Plan SDP-0519 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan, Phase I (Identification) archeological investigations shall be provided for the above-referenced property in the areas not covered by the 1992 survey.

a. Phase I archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation shall follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Probate, tax, deed, and census records shall be examined as part of the Phase I archival research process, to determine whether historic landowners of a subject property were slave owners and a chain of title presented. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations shall be clearly identified on a map to be submitted as part of the report. All artifacts recovered and documents relating to the Phase I investigation shall be curated to MHT standards. As noted in the guidelines, it is expected that these artifacts will be donated to the Maryland Archaeological Conservation Laboratory.

b. In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archaeologist shall conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005). These investigations shall be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report shall be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

c. The design of a Phase I archaeological methodology shall be appropriate to identify slave dwellings and burials, because documentary research should include an examination of known slave burials and dwellings in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations shall include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

d. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any final plat, the applicant shall provide a plan for:

   i.) Evaluating the resource at the Phase II level, or

   ii.) Avoiding and preserving the resource in place.

e. Phase II evaluation of site 18PR416 shall be provided to identify the extent of the site, its date of occupation, and the existence of intact significant cultural deposits, as well as to search for a possible Robinson family cemetery and slave burials on the property. If this site cannot be avoided by construction, a written research design shall be submitted for the Phase II investigations, to be approved by Historic Preservation staff prior to beginning fieldwork. Prior to final plat approval, the Phase II final report shall be reviewed and accepted.

2. Prior to approval of the subject specific design plan, it shall be revised to show the dedication of Parcel B to M-NCPPC. This plan shall include the parcel boundaries and acreage and shall be reviewed and approved by the Department of Parks and Recreation prior to certification of the specific design plan.

3. Prior to the certification of the type II tree conservation plan, all tree conservation areas shall be removed from land to be dedicated to M-NCPPC.

4. 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 Wards 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 V 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 the payment of the following:

   - A fee calculated as $1.24 per gross square foot of space 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 Rd./McKendree Rd. 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.

5. Prior to signature approval of the plans, the following revisions shall be made and/or additional materials shall be submitted:

a. A note shall be added to the plans stating that the applicant shall employ the use of audible alarms, fencing and private security to prevent crimes during the construction phase of development.

b. Applicant shall indicate the type of dust-free surface material to be used for the parking lot.

c. Applicant shall provide four shade trees on each side of the allée connecting the Giant Food Store to the plaza between the pad sites (a total of eight additional trees). Such shade trees shall be of the Honey Locust or Zelkova species, at the option of the applicant.

d. One of each eight handicapped parking spaces on the plans shall be indicated as a van space

measuring 16 by 19 feet. Location of signage for these spaces, as well as a detail for these signs shall be included on the plans.

e. Applicant shall revise the plans to include an enhanced pedestrian streetscape along the front façade of the Giant Food Store and adjacent buildings, the allee and plaza to include reference to archaeological history of the site, landscaping and passive recreational sitting areas. Final design of the enhanced pedestrian amenities shall be approved by the Urban Design Section as designee of the Planning Board.

6. Prior to the issuance of the first building permit for the project, the applicant shall provide evidence from the County Police Department regarding their desire or intent to locate a community Police Station in the project, so as to enable the Urban Design Section as designee of the Planning Board to make the determination required by Condition 6 of the relevant preliminary plan.

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, April 12, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:RG:bjs