

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 February 16, 2017, regarding Infrastructure Specific Design Plan SDP-1604 for Brandywine Village Commercial, the Planning Board finds:

1. **Request:** The subject approval is for an infrastructure specific design plan (SDP) for grading and installation of one stormwater management pond for the commercial portion of the Brandywine Village development.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	L-A-C	L-A-C
Use	Vacant	Commercial
Gross Acreage	24.06	24.06
Net Developable Acreage	14.20	14.20
Acreage of Environmental Regulated Features	9.86	9.86
Of Which Acreage of 100-year Floodplain	9.63	9.63

3. **Location:** The subject project is located in the northwestern quadrant of the intersection of Chadds Ford Drive and Robert Crain Highway (US 301). The project is also located in Planning Area 85 and Council District 9.
4. **Surrounding Uses:** Specific Design Plan SDP-1604 is bounded to the north by vacant land in the Rural Residential (R-R) Zone and a master plan arterial roadway, A-55; to the west by the residential portion of the Brandywine Village development in the Local Activity Center (L-A-C) Zone and General Lafayette Boulevard beyond; to the south by vacant land in the Residential Medium Development (R-M) Zone and L-A-C Zone; and to the east by Crain Highway (US 301/Branch Avenue (MD 5) with commercial development in the Commercial Shopping Center (C-S-C) Zone beyond.
5. **Previous Approvals:** The site is the subject of Zoning Map Amendments A-9997-C, which was approved by the Prince George's County District Council on January 12, 2009. The property is also the subject of Comprehensive Design Plan CDP- 1201, approved by the Prince George's County Planning Board on May 30, 2013 and formalized in the adoption of PGCPB Resolution No.13-58 by the Planning Board on June 20, 2013. The project is also the subject of Preliminary

Plan of Subdivision 4-12007, approved by the Planning Board on May 30, 2013 and formalized in the adoption of PGCPB Resolution No. 13-59 by the Planning Board on June 20, 2013. Specific Design Plan SDP-1303 for the residential portion of the larger development was approved by the Planning Board on March 6, 2014 and formalized in the adoption of PGCPB Resolution No. 14-14 on March 20, 2014, adjacent to the subject property and under the same CDP, but not directly relevant to the subject case. The property is also the subject of Stormwater Management Concept Plan 15822-2008-02, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on April 8, 2016 and valid until May 4, 2017.

6. **Design Features:** The site covered in Specific Design Plan SDP-1604, consisting of Outlots 6, 7, and 8, is roughly rectangular in shape, with the stormwater management pond (Basin 3) with an accessway (temporary access route) from Chadds Ford Road located in the southeastern corner of the site. Grading of the pond approved herein and the limits of disturbance are shown on the SDP, together with environmental features occurring on the subject property, such as wetlands and primary management areas (PMA). Details of layout and site design for this section of the Brandywine Village development will be determined when a full-scale SDP for the site is approved by the Planning Board at a future date.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9997-C:** Zoning Map Amendment A-9997-C was approved by the District Council on January 12, 2009 subject to seven conditions and two considerations. None of the conditions and considerations are relevant to the subject SDP for infrastructure, though several conditions will be relevant when the Planning Board approves a full-scale SDP for the project.
8. **Comprehensive Design Plan CDP-1201:** Comprehensive Design Plan CDP-1201 was approved by the Planning Board on May 30, 2013 subject to eight conditions. The approval of which was formalized in PGCPB Resolution No. 13-58, adopted by the Planning Board on June 20, 2013. None of the conditions are relevant to the subject SDP for infrastructure, though several will be relevant when the Planning Board approves a full-scale SDP for the project.
9. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance as follows:
 - a. The subject approval is in conformance with the applicable requirements of Section 27-494, Purposes; Section 27-490, Uses; Section 27-496, Regulations; and Section 27-498, Minimum size exceptions, of the Zoning Ordinance governing development in the L-A-C Zone. Further evaluation of conformance with these requirements will be made at the time of a full-scale SDP.

- b. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP for infrastructure:

(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

As indicated in Finding 8 of this approval, the subject project is in conformance with the approved CDP-1201. Additionally, in a memorandum dated January 5, 2017, DPIE indicated that the subject SDP is consistent with approved Stormwater Management Concept Plan 63545-2016, assuring that drainage of surface waters will be adequately handled which should prevent off-site property damage and environmental degradation in accordance with this requirement. The Planning Board is hereby approving a Type 2 tree conservation plan (TCP2) for the project, subject to conditions which will regulate reforestation and woodland conservation in accordance with this requirement. Additionally, the Prince George's Soil Conservation District, in a letter dated January 11, 2017, offered detailed comments on issues of grading, erosion, and sediment control, which will ensure that the project will not cause erosion through its separate permitting process, also in accordance with this requirement. In summary, the subject approval is in conformance with the requirements of Section 27-528 of the Zoning Ordinance.

10. **Preliminary Plan of Subdivision 4-12007:** Preliminary Plan of Subdivision 4-12007 was approved by the Planning Board on May 30, 2013 subject to 30 conditions, the approval of which was formalized in PGCPB Resolution No. 13-59, adopted by the Planning Board on June 20, 2013. None of the conditions are relevant to the subject SDP for infrastructure, though several will be relevant when the Planning Board approves a full-scale SDP for the project.
11. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development of infrastructure only approved herein is exempt from 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; and Section 4.9, Sustainable Landscaping, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces or gross floor area on the subject property. Future SDPs that include development of the site shall be reevaluated for conformance with the applicable sections of the Landscape Manual.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The approval is subject to the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the gross tract area is more than 40,000 square feet and there is more than 10,000 square feet of existing woodland on-site.

The previously approved and herein approved TCP2 both use a phased woodland conservation worksheet separating Phases 1 and 2. The original approval was limited to Phase 1, while the current approval revises the TCP2 to include the infrastructure improvements for Phase 2 stormwater management herein approved. The L-A-C Zone has a woodland conservation threshold of 15 percent, or 5.10 acres, for a total 44.33-acre site, which is correctly reflected in the TCP2 worksheet approved herein. Phase 2 is 24.06 acres in size and contains 9.63 acres of floodplain, for a net tract area of 14.43 acres. The TCP2 for Phase 2 herein approved clears 3.79 acres of on-site net tract woodland and 0.41 acre of floodplain woodland, resulting in a total woodland conservation requirement of 10.88 acres.

The woodland conservation requirement for Phase 2 is herein approved to be met with 9.61 acres of on-site preservation, which results in 10.64 acres of on-site preservation; 0.79 acre of on-site afforestation/reforestation; and 7.89 acres of off-site woodland conservation, which exceeds the current requirement for the entire site.

Certain conditions of this approval require technical revisions to the TCP2 plan to bring it into conformance with the requirements of the WCO. Therefore, the subject project conforms to the requirements of the WCO.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP for the site is approved by the Planning Board.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The subject approval will not impact any historic sites or resources.
- b. **Archeological Review**—A Phase I archeological survey was conducted on the subject property in February 2013 and determined that there are no archeological sites on the property; therefore, no further archeological investigation is required.
- c. **Community Planning**—The subject property comprises approximately 44.3 acres located at the northwestern intersection of Chadds Ford Drive and Crain Highway (US 301) in Brandywine, Maryland. This SDP approval is for infrastructure only for the commercial

phase of the development, which encompasses approximately 25.06 acres. The purpose of this SDP approval is to facilitate the permit process for rough grading for the stormwater management pond on the commercial portion of the site. The Brandywine Village development was previously reviewed for conformance with the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) in Preliminary Plan 4-12007, Comprehensive Design Plan CDP-1201, and Specific Design Plan SDP-1303.

The main issue, in terms of infrastructure, addresses pedestrian and cyclist circulation and access to transit. A condition of the zoning approval for A-9996-C (PGCPB Resolution No. 08-73) states:

5. **Vehicular access from the eastern portion of the site to the property to the north is supported and shall be demonstrated at the time of specific design plan.**

The development approved herein would allow access to the planned future transit stop identified on the east side of MD 5/US 301 by pedestrians or cyclists. This feature is consistent with the General Plan and master plan policies that support transit- and pedestrian-oriented development in centers. Additionally, sidewalks shall be constructed so, when abutting development occurs, there are no gaps in the pedestrian circulation network.

In this SDP approval, transit- and pedestrian-oriented design features include the layout and design of sidewalks, as well as, a trail connection from the commercial development to the abutting residential area to the west. This trail will be completed with the development of this commercial property at the time of a full-scale SDP approval for the project.

- d. **Transportation**—The Planning Board approved Preliminary Plan of Subdivision 4-12007 for the subject property in PGCPB Resolution No. 13-59, subject to numerous transportation-related conditions. Further, as those conditions are triggered at the time of building permit, and the subject approval is limited to grading and the installation of a stormwater management pond, the Planning Board does not see any conflicts or issues with this approval. The Planning Board shall comment on the status of the transportation-related conditions at the time when a full-scale SDP is approved for the subject property. The subject development will be adequately served within a reasonable period of time, from a transportation-related perspective.
- e. **Subdivision**—The property is the subject of Preliminary Plan of Subdivision 4-12007, which was approved by the Planning Board on May 30, 2013 (PGCPB Resolution No. 13-59), and is valid through December 31, 2017. A final plat of subdivision was recorded on October 14, 2016 as SJH 245@84 which placed the property into three outlots. The plat contains the following two notes:

- (1) The conversion of Outlots 6, 7 and 8 to buildable lots may be done during the validity period of Preliminary Plan of Subdivision 4-12007 or a new preliminary plan of subdivision will be required.
- (2) Prior to approval of permits for buildings or structures on Outlots 6, 7 and 8 specific design plans shall be approved and new final plats required to remove the outlot designation.

As the applicant has requested the approval for the sole purpose of implementing a stormwater management pond, the Planning Board's review is limited to that request. Additional comments will be generated regarding subdivision-related issues when a full-scale SDP is approved for the subject property.

- f. **Trails**—The subject project had been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 Subregion 5 Master Plan and SMA (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. Due to the nature of the approval as limited to stormwater infrastructure, no sidewalk, bikeway, or requirements are being placed on the approval. The Planning Board shall evaluate those trails-related issues when a full-scale SDP is approved by the Planning Board for the project.
- g. **Environmental Planning**—

Previous Environmentally-Related Approvals

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-8865	N/A	District Council	Approved		CR-108-1977
A-9878		District Council	Approved		CR-60-1993
CDP-9202	TCPI-047-96		Approved	January 1993	
CDP-0102	TCPI-47-96-01	Planning Board	Approved	September 13, 2001	PGCPB No. 01-186
A-9996-C and A-9997-C	N/A	District Council	Approved	January 12, 2009	Zoning Ordinances No. 1-2009 and 2-2009.
NRI-038-12	N/A	Planning Director	Signed	July 17, 2012	N/A
CDP-1201	TCP1-009-12	Planning Board	Approved	May 30, 2013	PGCPB No 13-58
4-12007	TCP1-009-12-01	Planning Board	Approved	May 30, 2013	PGCPB No. 13-59
SDP-1303	TCP2-002-014	Planning Board	Approved	7/25/2012	PGCPB No. 14-14
SDP-1303-01	TCP2-002-014-01	Planning Director	Approved	March 2, 2016	N/A
SDP-1601	TCP2-002-014-02	Planning Board	Pending		

This site has an extensive development history, and the Planning Board has reviewed this site many times as a part of larger project areas. Originally, the subject property was part of a larger development known as Mattawoman, consisting of a total area of 277 acres. In 1997, the District Council adopted Council Resolution CR-108-1977 for the entire 277-acre property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the R-M Zone (A-8865).

In 1992, a basic plan amendment (A-9878) was filed to rezone the 212 acres of M-A-C, now referred to as Brandywine Village, which was adopted with the sectional map amendment for Subregion V. Of the 212 acres, 46 acres was zoned Employment and Institutional Area (E-I-A), 16.4 acres was zoned L-A-C, and 149 acres was zoned R-M by the District Council (CR-60-1993). The property which is the subject of this application was mostly zoned E-I-A at that time.

Comprehensive Design Plan CDP-9202 was approved in January 1993 for 65 acres in the R-M Zone located on McKendree Road which did not include the subject property and, subsequently, Preliminary Plan 4-96083, Type I Tree Conservation Plan TCPI-047-96, and Type II Tree Conservation Plan TCP II-126-98 were also approved for that portion of the site.

Comprehensive Design Plan CDP-0102 and revised Type I Tree Conservation Plan TCPI-47-96-01 for a 212-acre property, including the site which is the subject of this approval, were approved on September 13, 2001. The CDP focused on the residential development of the R-M Zone, and the remaining acreage, including the subject property, was retained for future development and designated as Outlot 2.

The subject property retained the designation of Outlot 2 through subsequent revisions to CDP-0102 and TCPI-047-96. Zoning Map Amendments A-9996-C and A-9997-C were adopted by the District Council on January 12, 2009, rezoning Outlot 2 and portions of Outlot 3 to the L-A-C Zone, subject to conditions and considerations contained in Zoning Ordinances No. 1-2009 and 2-2009.

Subsequently, Natural Resources Inventory NRI-038-12 was approved for Outlot 2 on July 17, 2012. Comprehensive Design Plan CDP-1201 and Type 1 Tree Conservation Plan TCP1-009-12 were approved on May 30, 2013 for a mixed-use development consisting of 191 single-family attached dwelling units and 218,500 square feet of retail/office space on 44.33 acres in the L-A-C Zone. Preliminary Plan 4-12007 and a revised Type 1 Tree Conservation Plan, TCP1-009-12-01, were also approved by the Planning Board on May 30, 2013 subject to conditions contained in PGCPB Resolution No. 13-59.

Specific Design Plan SDP-1303 and Type II Tree Conservation Plan TCP II-002-14 for the first phase of a mixed-use development consisting of 191 single-family attached dwelling units on 20.27 acres in the L-A-C Zone was approved by the Planning Board on

March 6, 2014 subject to conditions contained in PGCPB Resolution No. 14-14, which was adopted by the Planning Board on March 20, 2014. Both were revised at staff level for approval by the Planning Director on February 2, 2016.

The current approval is for the development of infrastructure in Phase 2 of the development project. The infrastructure is limited to the construction of a large stormwater management detention pond, which has been granted technical approval under the previous stormwater management regulations, and is seeking to complete construction before the May 4, 2017 deadline for construction prescribed by the Maryland Department of the Environment (MDE).

Grandfathering

The project is subject to the requirements of Subtitle 27 of the Prince George's County Code that became effective on September 1, 2010 and February 1, 2012 because a new CDP and preliminary plan are required.

The project is also subject to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, because the project site is greater than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and is submitting a new CDP, preliminary plan, and an associated TCPI.

Site Description

Brandywine Village is a 44.33-acre property. The site is located on the west side of Crain Highway (US 301), north of Chadds Ford Drive, and east of General Lafayette Boulevard. The site is bifurcated by a stream, 100-year floodplain, and wetland system running north to south through the property which divides the site into two phases. Phase 1, on the west side of the stream, is 20.27 acres in area. The remainder of the site (Phase 2) is 24.06 acres in area. The principal stream on the site is a tributary of Mattawoman Creek in the Potomac River basin. The predominant soil types on the site, according to the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey, are in the Aquasco, Beltsville, Grosstown, Hoghole-Grosstown, Leonardtown and Potobac-Issue complex series. Beltsville, Leonardtown and Potomac-Issue soils are hydric or partially hydric. Current aerial photography indicates that the site is predominantly wooded and undeveloped. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. There are no Marlboro clays or scenic or historic roads located on, or adjacent to, the subject property. The subject property is adjacent to Crain Highway (US 301), a master-planned freeway generally regulated for noise. The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The entire site falls within the regulated area and evaluation area of the designated Green Infrastructure Network.

CONFORMANCE WITH PREVIOUS CONDITIONS OF APPROVAL

The following is the Planning Board's analysis of the environmental conditions from prior approvals that are applicable to the current approval. The applicable text from prior approvals has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

Zoning Map Amendment A-9997-C The basic plan for Zoning Map Amendment A-9997-C was approved by the District Council on January 19, 2009 subject to the following condition, which is environmental in nature:

6. **At time of comprehensive design plan ("CDP"), the applicant shall:**
 - d. **Provide a valid stormwater management concept approval letter and plan.**

A valid stormwater management concept approval letter and associated plans (15822-2008-02), approved April 8, 2016 and valid through May 4, 2017, were submitted for the current approval.

Comprehensive Design Plan CDP-1201 and Type 1 Tree Conservation Plan

TCP1-009-12: Prince George's County Planning Board Resolution No. 13-58 was approved by the Planning Board on May 30, 2013 subject to conditions of approval. The condition which is environmental in nature and applicable to the application, is as follows:

4. **At the time of specific design plan, the applicant shall:**
 - i. **Submit details of all lighting fixtures for review, along with certification that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels. The following note shall be placed on all future specific design plans:**

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

This condition of approval will be addressed by the Planning Board at the appropriate stage in the development process. The current approval is limited to stormwater management infrastructure.

Preliminary Plan of Subdivision 4-12007 and Type 1 Tree Conservation Plan

TCP1-009-12-01: Prince George's County Planning Board Resolution No. 13-59 was approved by the Planning Board on May 30, 2013 subject to conditions of approval. The following conditions of approval are environmental in nature and applicable to this SDP.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 15822-2008-01 and any subsequent revisions.**

The current stormwater management approval is 15822-2008-02. The purpose of the current approval is to implement the approved stormwater technical plan for the site.

10. **Prior to approval of the specific design plan, the proposed structural mitigation and final noise mitigation shall be adequately addressed to the satisfaction of the Planning Board, to reduce interior noise levels to 45 dBA Ldn or less.**

This condition is not applicable to the current approval, which is for infrastructure only.

12. **All specific design plans (SDPs) for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:**

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

The Planning Board shall determine conformance with this condition with the appropriate stage of development.

Environmental Review

Natural Resources Inventory

A Natural Resources Inventory, NRI-038-12, for the subject property was approved on July 12, 2012. The regulated environmental features, as shown on the revised NRI, have been correctly shown on the SDP and TCPII herein approved.

There is an existing 100-year floodplain easement shown on the record plat for this property, which includes areas which are adjacent to, but lie outside of, the limits of the 100-year floodplain study approved by the County (FPS 890051), which is valid for the current development. It was the intention of the applicant, through the development process, to reconfigure the platted 100-year floodplain to align more closely with the true

limits of floodplain based on accurate topography. The final delineation of the 100-year floodplain easement is subject to review and approval by DPIE at the time of final plat for Preliminary Plan 4-12007.

Woodland Conservation

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is more than 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Revised TCP2-002-14-02 is herein approved.

The approved and revised TCP2 uses a phased woodland conservation worksheet separating Phases 1 and 2. The original approval was limited to Phase 1, while the current approval revises the TCP2 to include infrastructure improvements for Phase 2 stormwater management herein approved. The L-A-C Zone has a woodland conservation threshold of 15 percent, or 5.10 acres, for total 44.33-acre site, which is correctly reflected in the TCP2 worksheet. Phase 2 is 24.06 acres in size and contains 9.63 acres of floodplain, for a net tract area of 14.43 acres. The TCP2 for Phase 2 herein approved clears 3.79 acres of on-site net tract woodland and 0.41 acre of floodplain woodland, resulting in a total woodland conservation requirement of 10.88 acres.

The woodland conservation requirement for Phase 2 is proposed to be met with 9.61 acres of on-site preservation, which results in 10.64 acres of on-site preservation, 0.79 acre of on-site afforestation/reforestation, and 7.89 acres of off-site woodland conservation, which exceeds the requirement for the entire site.

Conditions of this approval require technical revisions to the TCP2 herein approved to ensure that it is in conformance with the requirements of the Environmental Technical Manual (ETM).

Invasive Species Concerns

The forest stand delineation indicates that the amount of invasives in the woody herbaceous layer of Stand B, which is located in Phase 2, exceeds 20 percent. The invasives identified are Japanese honeysuckle and multi-flora rose. The ETM requires that invasives be reduced to less than 20 percent of understory coverage, to be credited as woodland preservation.

A note was added to the TCP2 with prior approval which reads as follows:

“An invasive species management plan will be required at the time of the commercial phase SDP and TCP2 revision to account for invasive species noted in Stand B. Please see the forest stand delineation approved as part of NRI-038-12.”

Because the current plan is limited to stormwater management infrastructure, the requirement to provide an invasive species plan seems premature with the current approval, and it is herein approved that the invasive species plan be deferred beyond the development of infrastructure and that the note be revised with the current approval.

Specimen, Historic, and Champion Trees

Section 25-122(b)(1)(G) of the County Code requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone (CRZ) in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

There are three specimen trees identified on the subject property, which are all located within the PMA. The TCP2 has been revised to retain all of the specimen trees on the site and, although there will be impacts to the critical root zone to Specimen Trees 2 and 3, a minimum of 70 percent of the critical root zone will be retained. The forest stand delineation indicates that the specimen trees to be retained are in poor to fair condition, and no management techniques are herein required to preserve these trees which are in decline.

A variance to Subtitle 25 for the removal of specimen trees is not required. A variance may be required in the future if revisions to the SDP and TCP2, or future development plans, require that specimen trees will be removed.

Perpetual Protection of Woodland Conservation

Section 25-122(d)(1)(B) requires that woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in Prince George’s County Land Records. This is in conformance with the requirements of the state Forest Conservation Act, which require that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP1 applications approved after September 1, 2010 which are not grandfathered.

The recordation of a woodland conservation easement is generally required prior to signature approval of a TCP2 for a development application that includes on-site woodland conservation areas. A woodland conservation easement was recorded for woodland conservation areas in Phase 1 of the development.

Because only a portion of the total amount of clearing proposed in Phase 2, as shown on the TCPI, will be removed with the current approval, recordation of the required woodland conservation easement is hereby deferred until the approval of a revised TCP2 for full development of the site.

Protection of Regulated Environmental Features

This site contains streams, wetlands and wetland buffers, and 100-year floodplain within a delineated PMA. The PMA is required to be preserved to the fullest extent possible at the time of preliminary plan (Section 24-130 of the Subdivision Regulations) and SDP (Section 27-528 of the Zoning Ordinance). The site design should avoid any impacts to the regulated environmental features, which includes the PMA, unless the impacts are essential for the development as a whole.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Based on the level of design information available at the time of CDP and preliminary plan review, it was determined that the regulated environmental features on the subject property had been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the TCP submitted for review, after a revision to a portion of stormwater management Impact 2 which resulted from the placement of the stormwater management pond.

The PMA impacts to be incurred with the current approval are consistent with those previously approved at the time of CDP and preliminary plan. The Planning Board herein approves the currently shown PMA, consistent with Section 27-528(a)(5), which requires that the SDP demonstrate that the regulated environmental features are preserved and/or restored to the fullest extent possible.

The regulated environmental features within the development envelope on the subject property have been preserved and/or restored to the fullest extent possible at the SDP level under review based on the information provided.

Streams, Nontidal Wetlands, and Buffers

The site contains streams or wetland areas that may be regulated by federal and state requirements, and may be impacted by development.

By condition of this approval, prior to issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall provide the Planning Board copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Stormwater Management

An approved Stormwater Management Concept Letter and Plan (15822-2008-02) dated April 8, 2016 was considered in this approval. The plans indicate the construction of one stormwater pond with a forebay in Phase 2. An outfall is herein approved which impacts the delineated PMA. The layout shown on the most recent approved stormwater concept plan is in general conformance with the layout shown on the SDP or TCP2. A conceptual erosion and sediment control plan was not submitted, so conformance between plans cannot be determined.

Therefore, a condition of this approval requires that, prior to grading of the site, the County requires the approval of an erosion and sediment control plan which is consistent with the SDP and TCP2.

Soils

According to the Web Soil Survey, the principal soils on the site are in the Aquasco, Beltsville, Bibb, Grosstown, Hoghole-Grosstown, Leonardtown and Potobac-Issue soil series. Aquasco and Beltsville soils are highly erodible, and may have perched watertables and impeded drainage. Grosstown and Hoghole-Grosstown pose few problems to development. Leonardtown and Potobac-Issue complex soils are hydric or partially hydric and poor drainage. High groundwater and poor drainage is problematic for both foundations and basements.

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

Noise

Policies contained in the Plan Prince George's 2035 call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Transportation-related noise impacts associated with Crain Highway (US 301) and Chadds Ford Drive were evaluated at the time of preliminary plan relative to State of Maryland noise standards for interior and exterior residential uses. Residential uses or residential outdoor activity areas that are proposed within the 65 dBA Ldn noise contour or higher may require mitigation.

Crain Highway (US 301) is an existing source of traffic-generated noise and is a master-planned freeway. The modeled location of the 65 dBA Ldn noise contour was generated for this site using the Planning Board's noise model at 792 feet from the centerline of US 301. The location of this noise contour has been delineated on the SDP and TCP2.

A-55 is a master-planned arterial running east to west, just north of the subject application. The location of the 65 dBA Ldn noise contour was generated for this site using the Planning Board's noise model at 212 feet from the centerline of the roadway. Chadds Ford Drive has been delineated on the SDP and TCP2 for evaluation purposes.

Because the current SDP is limited to stormwater management infrastructure and no residential units are proposed, transportation-related noise impacts were not evaluated for the current approval.

Only conditions triggered at the time of approval of an SDP for infrastructure have been considered in this approval and SDP-1303 is not considered an evaluation criteria herein, as it applies to the adjacent, not the subject site.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPiE)**—In a memorandum dated January 5, 2017, DPiE offered numerous comments regarding needed coordination with the Maryland State Highway Administration (SHA) and the various utility companies, frontage improvements, an access and a Chadds Ford Drive lane study, the need for fire truck maneuverability, stormwater management, soils, and requirements. All but the comments regarding stormwater management are more relevant to a future full-scale SDP, which will be approved by the Planning Board subsequent to the subject approval. See Finding 9 for a more detailed discussion of the required finding for SDPs that drainage of surface will be adequately handled.
- i. **Prince George's County Police Department**—The Police Department did not provide comment regarding the subject project.
- j. **Prince George's County Health Department**—In a memorandum dated January 11, 2017, the Health Department stated that they had completed a health impact assessment review and offered the following regarding the subject project. Each issue raised in the memorandum is included in **boldface** type below, followed by Planning Board comment:

The site is located immediately adjacent to Crain Highway (US 301) and Branch Avenue (MD 5) an arterial road. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.

As the subject project is commercial in nature, its ongoing operation is not regulated for noise. However, noise, as well as dust, is regulated by the Code of Maryland Regulations (COMAR) during the construction phase of the project. Therefore, a condition of this approval requires the applicant to include a general note on the plans stating the applicant's intent to conform to COMAR regarding the noise and dust which will be generated by the construction phase of the project prior to certification of the plans for the project.

There are over 10 existing carry-out/convenience store food facilities and approximately 3-5 grocery store/markets within a ½ mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores as compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

This information has been provided to the applicant.

- k. **Prince George's County Soil Conservation District**—In a letter dated January 11, 2017, the Soil Conservation District offered the following comments:
- (1) An appropriate grading permit shall be applied for prior to the approval of the final grading, erosion and sediment control plan upon which development permits may be issued.
 - (2) All submissions for grading, erosion and sediment control shall be in conformance with the pertinent section of the Soil Conservation District's design manual, the criteria established in the COMAR 26.17.01, the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, (Standards and specifications), or later revisions and Chapter 5 of the Environmental Design of the 2000 Maryland Stormwater Design Manual, as applicable.
 - (3) The site shall provide redundant controls and practice for grading, erosion and sediment control given its location in a Tier II watershed and one being accessed for the establishment of a TMDL for sediment.
 - (4) All proposed improvements or modifications to the previously approved stormwater management facility shall be coordinated with both DPIE and SCD so as to meet both the stormwater management and dam safety requirements. Appropriate as-built documents shall be submitted for review and approval to DPOE and SCD within 45 days of construction completion for compliance with COMAR26.17.02.10 F and G, as applicable. Note that the local jurisdiction's submission requirements may be less than within 45 days.

- (5) All installed practices for erosion and sediment control shall be maintained in accordance with the approved documents of record for the duration of the project pursuant to COMAR 26.17.0.09.
- (6) All approvals for the referenced project shall be maintained for its duration.
- (7) Future development of the commercial site shall be addressed separately from this infrastructure only application.

The Soil Conservation District's comments have been provided to the applicant and will be enforced through their separate permitting process.

- l. **Maryland State Highway Administration (SHA)**—In an e-mail dated December 8, 2016, SHA stated that they had no comment on the subject SDP for infrastructure. They indicated that they would have comment when a full-scale SDP is under review for the project.
- m. **Washington Suburban Sanitary Commission (WSSC)**—In emailed comments dated December 29, 2016, WSSC offered numerous comments regarding the submitted plans, the design of site utility systems, and the provision of water and sewer to the site. These comments will be addressed through WSSC's separate permitting process.

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 2 Tree Conservation Plan (TCP2-002-14-01), and further APPROVED Specific Design Plan SDP-1604 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this specific design plan (SDP), the applicant shall provide the specified information or make the following revisions to the plans:
 - a. The Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - (1) Add the current TCP2 approval block to all plan sheets.
 - (2) Add all prior plan approvals in a typed format to the approval block, add information about associated development plans, and the reason for the revisions.
 - (3) Have the revised plan signed and dated by the qualified professional who prepared it.

(4) The note on the TCPII shall be revised as follows:

“An invasive species management plan will be required at the time of the approval of a commercial phase SDP and TCP2 revision beyond the implementation of SWM infrastructure to account for invasive species noted in Stand B. Please see the forest stand delineation approved as part of NRI-038-12.”

- b. General Note 11 shall be corrected to delete Specific Design Plan SDP-1303 as a prior approval on the site.
- c. The applicant shall include the following note in the general notes of the plan set:
 - (1) During the demolition and/or construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control and noise control requirements as specified in the Code of Maryland Regulations (COMAR).
- 2. Prior to approval of the next specific design plan for the subject project, a Woodland and Wildlife Habitat Conservation easement shall be recorded in Prince George’s County Land Records.
- 3. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 4. Prior to issuance of a grading permit, a copy of the Final Erosion and Sediment Control plan for Phase 2, SC#89, shall be submitted as part of the permit package to confirm consistency between plans.
- 5. Prior to approval of permits for buildings or structures on Outlots 6, 7, and 8, specific design plans shall be approved and new final plats required to remove the outlot designation.
- 6. Prior to expiration of the validity period of Preliminary Plan of Subdivision 4-12007, the applicant must convert Outlots 6, 7, and 8 to buildable lots, or a new preliminary plan will be required.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 16, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg