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Comprehensive Design Plan Variance Request

CDP-0902
VD-0902

Application	General Data	
Project Name: The Villages at Timothy Branch Location: East side of US 301 (Robert S. Crain Highway), southeast of its intersections with MD 5 (Branch Avenue) and MD 381 (Brandywine Road). Applicant/Address: Timothy Brandywine Investments One, LLC Timothy Brandywine Investments Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114	Planning Board Hearing Date:	09/23/10
	Staff Report Date:	09/20/10
	Date Accepted:	11/12/09
	Planning Board Action Limit:	N/A
	Plan Acreage:	262
	Zone:	R-M
	Dwelling Units:	1,069
	Gross Floor Area:	N/A
	Planning Area:	85A
	Tier:	Developing
	Council District:	09
	Election District	11
	Municipality:	None
	200-Scale Base Map:	218SE07

Purpose of Application	Notice Dates	
1,069 dwelling units in the R-M-zoned portion of The Villages at Timothy Branch development distributed as follows: 101 single-family detached units, 80 one-family semidetached units, 368 one-family attached units, 312 two-family attached units, and 208 multifamily units.	Informational Mailing:	01/14/09
	Acceptance Mailing:	11/10/09
	Sign Posting Deadline:	08/24/10

Staff Recommendation		Staff Reviewer: Ruth Grover, M.U.P., A.I.C.P. Phone Number: 301-952-4317 E-mail: Ruth.Grover@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-0902
Variance Request VD-0902
Type 1 Tree Conservation Plan TCP1-151-90-01
The Villages at Timothy Branch

Urban Design staff has reviewed the comprehensive design plan and variance applications for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation Section of this report.

PUBLIC HEARING

In accordance with the comprehensive design plan provisions of Section 27-520, Subtitle 27, Zoning, of the Prince George's County Code, a public hearing is scheduled before the Prince George's County Planning Board at 1:00 p.m. on September 23, 2010. The purpose of this hearing is to consider the comprehensive design plan for The Villages at Timothy Branch, CDP-0902.

INTRODUCTION

The Development Review Division of the Prince George's County Planning Department has coordinated a review of the subject application with all offices having any planning activities that might be affected by the proposed development. This staff report documents that process and presents findings and a recommendation to be acted upon by the Prince George's County Planning Board.

RECOMMENDATION SUMMARY

The staff recommends APPROVAL of the comprehensive design plan and variance applications, with the conditions listed in the Recommendation Section of this report.

COMPREHENSIVE DESIGN ZONES

The comprehensive design plan (CDP) phase of the three-phase comprehensive design zone (CDZ) process requires the submission of a plan that establishes the general location, distribution, and sizes of buildings and roads. The plan includes several drawings, the schedule for development of all or portions of the proposal, and standards for height, open space, public improvements, and other design features. The regulations for any of the comprehensive design zones are at the same time more flexible and more rigid than those of other zones in Prince George's County. The zones are more flexible in terms

of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of law once approved by the Planning Board.

The principal difference between comprehensive design zones and conventional zones is that the CDZ includes a list of public benefit features and density or intensity increment factors. If a development proposes to include a public benefit feature in a development, the Planning Board, at this stage of the process, may grant an increment factor that increases the dwelling-unit density or building intensity. The value of the public benefit feature or density-intensity increment proposal determines the size of the increase. A public benefit feature is an item that will improve the environment or lessen the public cost of a development. The intent is to create a development, through the granting of incremental density increases, which will result in a better quality residential, commercial, and industrial environment.

EVALUATION CRITERIA

The comprehensive design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the basic plan for Zoning Map Amendment A-9987-C.
- b. The requirements of the Zoning Ordinance with respect to the following:
 - (1) Sections 27-179 through 27-198 Comprehensive Design Zones;
 - (2) Section 27-521 Required Findings for Approval of Comprehensive Design Plans;
 - (3) Section 27-230 Required Findings for Variances;
 - (4) Section 27-239.03 Variances in Conjunction with Other Approvals. District Council and Planning Board Authority; and
 - (5) Sections 27-507 through 27-509 Purposes, Uses, and Regulations in the Residential Medium Development (R-M) Zone.
- c. The requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
- d. Referral comments.

FINDINGS

Based upon the analysis of the subject application, Urban Design staff recommends the following findings:

1. **Request:** The request is for 1,069 dwelling units in the R-M-zoned portion of The Villages at Timothy Branch development distributed as follows: 101 single-family detached units, 80 one-family semidetached (duplex) units, 368 one-family attached a (townhouse) units, 312 two-family attached (two-over-two) units, and 208 multifamily units. Variances from the maximum townhouse and multifamily dwelling unit percentage requirements as stated in Section 27-515(b)(7), Footnote 29 of the Zoning Ordinance are also requested.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-M	R-M
Use(s)	Vacant	Residential
Gross Acreage	262	262
Acreage in the 100-year floodplain	38	38
Adjusted gross acreage (minus 50% f.p.)	243	243
Number of Dwelling Units	0	1,069

OTHER DEVELOPMENT DATA—Dwelling Units by Housing Types

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone		
Single-family Detached	9.45	101
Townhouses	34.42	368
One-Family Semi-Attached Duplex	7.48	80
Two-Family Attached (Two-Over-Twos)	29.18	312
Multifamily	<u>19.45</u>	<u>208</u>
Total Units in the R-M Zone	99.98 or approximately 100%	1,069

3. **Location:** The larger Timothy Branch application, combined with the R-M- zoned (Residential Medium Development) CDP-0902, consisting of 334.26 acres is bounded to the north by Brandywine Road (MD 381), to the northwest by Short Cut Road, to the east by the Timothy Branch stream valley, to the south by vacant and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones, and to the west by Robert Crain Highway, (US 301) a single-commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E), located in the central northern portion of the property which is zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse. Specifically, the R-M zoned portion of the property CDP-0902, is located on the eastern side of Robert Crain Highway (US 301), southeast of its intersection with Shortcut Road and Branch Avenue (MD 5). To the north of the subject property is an existing warehouse in the I-3 and E-I-A Zone and the east is the Timothy Branch Stream Valley. L-A-C zoned CDP-0901, to east is the Timothy Branch Stream Valley.
4. **Surrounding Uses:** The subject site is surrounded to the north by the portion of the site zoned L-A-C (Local Activity Center), by Parcel E in industrial use zoned I-3 Planned (Industrial/Employment Park) and E-I-A (Employment and Institutional Area), and by Shortcut Road with I-1 (Light Industrial) parcels in industrial use beyond; by residential use and vacant land to the east; industrial use and vacant land to the south; and to the west by US 301 (Robert Crain Highway) with commercial, industrial, and vacant land beyond.
5. **Previous Approvals:** The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the R-R (Rural Residential) Zone to the I-3 and E-I-A (Employment-Industrial-Area) Zones. The 1993 Subregion V Approved Master Plan and Sectional Map Amendment

retained the property in the E-I-A and I-3 zoning categories. There were no conditions associated with these previous zoning approvals. Zoning Map Amendment A-9987, approved by the District Council on July 11, 2008, is a previously approved application affecting the subject property. The basic plan rezoned the property from the I-3 and E-I-A Zones to the R-M Zone.

6. **Design Features:** The 262 acres of land comprising this comprehensive design plan includes Mattawoman Drive extended, a six-lane arterial classification roadway, which will provide a diagonal southwestern to northeastern spine through the development with residential pods grouped on either side. Multifamily units are located in the most southwesterly portion of the development, nearest the planned bus rapid transit or light rail station. The central portion of the development is organized to the northwest and the southeast of a traffic circle on Mattawoman Drive, with a recreational facility or center providing a focal point for each of the communities on either side of Mattawoman Drive. The residential dwelling types in the central pods of development on either side of Mattawoman Drive include single-family detached, single-family semidetached (duplex), townhouses, and two-family attached (two-over-tvos). The most northern and western pod of the development is comprised of townhouses and single-family detached units and a combination of townhouses and two-family attached (two-over-tvos). A recreational facility is specified in its center. The eastern pod of the development, located south of Mattawoman Drive, and directly across from an existing warehouse facility, has a majority of townhouses and some two-family attached units fronting Mattawoman Drive and is the most proximate to the L-A-C-zoned portion of the development.

The applicant has ascribed nomenclature to five residential development sections on the R-M-zoned portion of the Villages at Timothy Branch. These sections, RM-1 through RM-5, are indicated on the staging plan (CDP-5). Sections RM-1 and RM-2 are located east of Mattawoman Drive. Sections RM-3, RM-4, and RM-5 are located on the west side of Mattawoman Drive.

Stormwater management is planned to be handled by six ponds, four proposed ponds located on the most eastern section of the R-M- zoned area, and one existing pond created in conjunction with the previously anticipated industrial park. One pond is located on the western side of existing Mattawoman Drive.

The applicant, in accordance with Condition 8(b) of the approved basic plan, has committed to provide public recreational facilities at the nearby Brandywine Area Community Park. On-site private recreational facilities to be proposed by the applicant include:

- a. A community building and recreation center including:
 - (1) A 25-meter pool
 - (2) A wading pool
 - (3) Bathhouse/pool facilities with community meeting space;
- b. One preschool-age playground (2,500 square feet);
- c. One school-age playground (5,000 square feet);
- d. Three multi-age playgrounds (7,500 square feet);
- e. One 100-foot by 200-foot open play area;
- f. Approximately 5,600 linear feet of an eight-foot-wide hiker/biker trail with a four-foot-

wide cleared earth/turf equestrian sidepath.

Signs for the development will include gateway entrance features and may include informational and directional signs. In the comprehensive design plan document (p. 15), the applicant stated that a coordinated approach to the design of entrance feature signage will enhance the overall quality and appearance of the residential communities. Because the applicant has not specified how this will be accomplished, a recommended condition below would require Urban Design approval of a comprehensive entrance feature signage plan prior to signature approval of the subject comprehensive design plan, as it is not sufficient to offer a determination of entrance feature design at the time of approval of each specific design plan. The intent of a comprehensive design plan is to provide a comprehensive approach to a design superior to that which would have been achieved by the standard applicability of Zoning Ordinance requirements (i.e. Section 27-614(f)(1) and Section 27-613(g)(1) of the Zoning Ordinance).

Density Increment

The permitted density range in the R-M Zone, 3.6 to 5.7 dwelling units per gross acre, is calculated by multiplying the base density allowed (in this case 3.6 units) by gross acre minus 50 percent of the land located within the 100-year floodplain.

In this case, the 262-acre site would be reduced by 19 acres (50 percent of the 38 acres of 100-year floodplain) resulting in an adjusted gross area of 243 acres multiplied by the permitted dwelling unit range of 3.6 to 5.7 for a sum of 875 to 1,385 units allowed. The application, proposes a total of 1,069 dwelling units, a 194 dwelling unit increase over the base dwelling unit range. Therefore, the applicant needs to justify this increase by use of public benefit features. More particularly, the calculations are as follows:

194 dwelling units divided by the base residential density allowed per acre (194 dwelling units divided by 875 base units) represents an increase in density of approximately 22 percent increase over the base density of the zone.

The public benefit features that the applicant is offering for the R-M-zoned portion of the Villages of Timothy Branch covered by this comprehensive design plan in order to justify the 22 percent increase in residential density include:

- Provision of open space;
- Enhancing physical features;
- Creating a workable pedestrian network;
- Developing open space with recreational development; and

For each of the above public benefit features, the applicant is requesting the full increase allowance in dwelling units allowed by the Zoning Ordinance or 25 percent for open space, 2.5 percent enhancing existing physical features, 5 percent for provision of a pedestrian system and, 10 percent for recreational development of open space.

Zoning Ordinance Density Increment Provision	Applicant's Proposed Qualifying Plan Features	Staff's Response
For open space land at a ratio of at least 3.5 acres per 100 dwelling units, an increment factor may be granted, not to exceed 25 percent in dwelling units (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property)."	The plan proposes approximately 141 acres of open space, or approximately 15 acres per 100 dwelling units. The open space includes space for recreational facilities, buffers, woodland conservation areas, the stream valley of the Timothy Branch and natural drainage areas on the property.	Staff agrees that the application warrants the granting of the full 25 percent density increment as requested. Based on the calculation, the applicant is required to have a minimum of 37.5 acres of land that is unregulated open space and useable open space by the residents. This application will include approximately 45 acres of usable open space not associated with other regulated lands such as steep slopes, 100-year floodplain, stormwater management, and wetland areas, will not be used for parking lots and is accessible to the residents of the community. None of the 45 acres of land is proposed to be dedicated to M-NCPPC in fulfillment of the requirement for mandatory dedication of parkland.
For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosive action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5 percent dwelling units	The plan proposes to enhance the existing physical features by minimizing impacts to wetlands, streams, steep slopes and floodplain. Concentrated stormwater flows will be limited to ponds outfalls. Perimeter areas will be graded as necessary to promote stormwater sheet flow to undisturbed areas.	Staff does not agree that the application warrants granting of density increments for enhancement of physical features. The application does not provide for any enhancement above those measures already require by law to protect the physical features of the site. Therefore, staff does not recommend the granting of any increments for the enhancement of physical features on the site.
For a pedestrian system separated from vehicular rights-of-way, an incremental factor may be granted, not to exceed 5 percent in dwelling units	The plan proposes a pedestrian circulation system generally separated from vehicular rights-of-way. All public right-of-way will have standard sidewalks along both sides which will be separated and elevated from the vehicular traffic. A Master Planned Hiker Biker Equestrian Trail is proposed along the Timothy Branch Stream Valley for the entire length of the development. Neighborhood pedestrian paths are proposed throughout the development to connect the Stream Valley Trail to the public sidewalk system. The three pedestrian routes together comprise a comprehensive pedestrian system through the R-M portion of the Villages at Timothy development.	Staff agrees that the application warrants the granting of 5 percent density increments. The plan is proposing a master plan trail along Timothy Branch that is approximately 5,600 linear feet of eight-foot-wide trail, as indicated on the comprehensive design plan. The pedestrian trail system will connect all of the pods of development on the east side of Mattawoman Drive so that the residents and public will have an alternative access to the commercial area within the adjacent L-A-C CDP and/or loop configuration that will connect to bike way and sidewalks developed as part of the project.
For recreational development of open space (including minimum improvements of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10 percent in dwelling units.	For the 1,069 dwelling units proposed in the five residential development sections, recreational space and private recreational facilities will be provided in phase with development. Recreational space and facilities including master Plan trails, as well as off-site facilities provided at the nearby Brandywine Area Community Park will be designed in accordance with the Parks and Recreation Facilities Guidelines.	Staff disagrees that the application warrants the granting of density increments for recreational development of open space. The applicant proposes a range of recreation facilities distributed throughout the site, including a swimming pool/bathhouse, two tennis courts, and six to seven playgrounds for homeowners. These private recreational facilities will meet the requirements of mandatory dedication per Subtitle 24.

In summary, the applicant requested approval of 42.5 percent density increments over the base density of the R-M Zone, even though in order to achieve the density as proposed on the

comprehensive design plan is only 22 percent. Based on the analysis of the comprehensive design plan, the staff recommends that the total density increment requested for the provision of open space and for the provision of a pedestrian system separated from vehicular rights-of-way be granted. The density increase of 30 percent exceeds the requested 22 percent needed for the development of the total number of units proposed of 1,069 units.

Staging Plan

The staging plan for the development as it affects the R-M-zoned portion of the Villages of Timothy Branch site includes a phase for grading and infrastructure that will include the extension of Mattawoman Drive. Infrastructure improvements will include extension of water, sewer and gas lines, and the placement of stormwater collection and storage facilities. The majority of residential and recreational development is planned to occur in stages one through seven as defined at page 43 of the comprehensive design plan. Stage One is specified for the year 2012, with each subsequent phase staged by a whole number, making Stage Seven sought to be accomplished by 2018. The various land use/development pods in the R-M Zone, as shown on the comprehensive plan drawing (CDP-2), are identified on the staging plan drawing (CDP-4) in five sections. These sections are identified as RM-1 through RM-5.

The resident population of the R-M-zoned portion of the Villages of Timothy Branch is expected to be approximately 2,711. This estimate is arrived at by utilizing the population multipliers of .94 per dwelling for the multifamily units and 2.92 for the single-family units for Planning Area 85A.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9987:** Zoning Map Amendment A-9987-C was approved by the District Council of Prince George's County on July 11, 2008. The relevant conditions of that approval are listed in bold face type below and are followed by staff comment.

Land Use Types and Quantities:

A-9987:

Total area:	Approximately 262 acres
Land in the 100 acre floodplain:	19 acres
Adjusted gross area:	243 acres
Density permitted under the R-M Zone:	3.6–5.7 dwelling units per acre
Permitted Dwelling Unit Range:	874.8-1,385.1 dwelling units

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

Comment: The CDP proposes 1,069 residential units or approximately 4.4 units per acre. This proposed density falls well within the ranges approved in the basic plan.

1. **At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.**

Comment: In a memorandum dated August 26, 2010, the Transportation Planning staff stated that they had made master plan transportation recommendations consistent with the Subregion 5 Master Plan.

2. **At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:**

- a. **MD 5 and Brandywine Road (signalized)**
- b. **US 301 and MD 381/Brandywine Road (signalized)**
- c. **MD 381 and Mattawoman Drive (unsignalized)**
- d. **US 301 and Mattawoman Drive (proposed)**
- e. **US 301/MD 5 and proposed A-55 (future)**
- f. **US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)**
- g. **US 301/MD 5 and Cedarville Road/McKendree Road (signalized)**
- h. **Future Mattawoman Drive and proposed A-55 (future)”**

Comment: The Transportation Planning staff, in a memorandum dated August 26, 2010, stated that a traffic study dated July 2009 was submitted by the applicant and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). A summary of the traffic impacts and the effects on intersections is as follows: The application is a comprehensive design plan for a mixed-use development, consisting of the following uses, having the following trip generation:

CDP-0902, R-M, Villages at Timothy Branch	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Residential								
One-Family Detached	119	units	18	71	89	70	37	107
One-Family Semidetached	72	units	10	40	50	38	20	58
Townhouse	365	units	51	205	256	190	102	292
Two-Family Attached	284	units	40	159	199	148	79	227
Multifamily	224	units	22	94	116	87	48	134
Total	1064	units	141	569	710	533	286	819

Note: The use quantities shown above do not directly correspond to the final design plans, but the numbers are substantially in conformance. The trip generation is estimated using trip rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

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

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

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in May 2009 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	Future	Future	--	--
MD 5 and Brandywine Road	1,769	1,810	F	F
US 301 and MD 381	1,160	1,078	C	B
MD 381 and Mattawoman Drive	493	412	A	A
US 301/MD 5 and Chadds Ford Drive	1,185	1,431	C	D
US 301/MD 5 and Matapeake Business Drive	1,114	1,416	B	D
US 301/MD 5 and Cedarville/McKendree Road	1,289	1,866	C	F

With one exception (US 301/MD 5 and Chadds Ford Drive), none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. There are programmed improvements being conducted by SHA at the intersection of MD 5 and Brandywine Road. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,193	1,743	C	F
MD 5 and Brandywine Road	1,804	1,815	F	F
US 301 and MD 381	2,002	1,601	F	F
MD 381 and Mattawoman Drive	621	602	A	A
US 301/MD 5 and Chadds Ford Drive	1,650	2,111	F	F
US 301/MD 5 and Matapeake Business Drive	1,497	2,198	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,737	2,398	F	F

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

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,271	1,851	C	F
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	2,528	2,340	F	F
MD 381 and Mattawoman Drive	1,284	1,361	C	D
US 301/MD 5 and Chadds Ford Drive	1,693	2,199	F	F
US 301/MD 5 and Matapeake Business Drive	1,534	2,278	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

It is found that all but one of the critical intersections (MD 381 and Mattawoman Drive) operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- a. A third northbound through lane is proposed along US 301 through the MD 381 and the Mattawoman Drive intersections. Left turns are proposed to be eliminated at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties at some time in the future).
- b. A northbound left-turn lane is proposed along US 301 at Mattawoman Drive.
- c. The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and a westbound left-turn lane along MD 381 at Mattawoman Drive is proposed.
- d. As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, the applicant proposes to extend Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site off of portions of US 301/MD 5.
- e. The subject site is required to contribute to the Brandywine Road Club. The level of this contribution will be determined during review of the preliminary plan of subdivision. For the record, it is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
 - (1) The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 2000, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program that suggests that needed improvements are funded for construction.

- (2) Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. As a part of that resolution, zoning map amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by “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.” This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the council resolution.
- (3) The site included under the current plan was subdivided under application 4-92048, which itself was a consolidation of four previous preliminary plans, conditional upon contribution to the Brandywine Road Club. The road club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

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

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2009 traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	916	1,221	A	C
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	1,741	1,725	F	F
MD 381 and Mattawoman Drive	1,031	1,246	B	C
US 301/MD 5 and Chadds Ford Drive	1,570	2,013	E	F
US 301/MD 5 and Matapeake Business Drive	1,453	2,183	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and they raise the following issues that require discussion:

- a. DPW&T indicated that the number of trips diverting onto Mattawoman Drive appears to be overestimated. It is important to remember that many trips in the area are destined for retail uses within and to the south of the subject site. The connection of Mattawoman Drive will provide a direct alternative for reaching these areas from north of Brandywine, and that was much of the reason for classifying this roadway as an arterial. It has a function and will be used, particularly given the ongoing congestion that occurs on US 301/MD 5. For that reason, the diversion used does not seem to be excessive.
- b. DPW&T also indicated that analyses should have been included for the future intersection of A-55 and A-63. Since that intersection is off-site, and since neither the east nor west legs of A-55 are proposed for construction, there is really nothing to analyze.
- c. SHA and DWP&T both objected to the elimination of left turn movements at the US 301/MD 381 intersection. That is obviously something that will need to be studied carefully at the time that Mattawoman Drive is connected on both sides of US 301 by Brandywine Business Park.

With regard to the R-M-zoned portion of the site, the site is affected by several facilities:

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. The current plan includes ramps to and from the north and south to support the future interchange at A-55. An extensive area in the southwest portion of the site is proposed to remain without development, and this is sufficient.
- The A-63 facility traverses the site from north to south. Over the time of reviewing this plan, there has been some confusion about the alignment of A-63 and where it terminates at the southern end. The A-63 arterial facility actually terminates at A-55, which has been determined to be located just south of the subject site. The CDP plan indicates a portion of A-63 south of the more southerly traffic circle to be “Matapeake Business Drive Extension” with a 100-foot right-of-way. This is incorrect. This portion of roadway between the traffic circle and the southern property line is A-63, and should make provision for a 120-foot right-of-way.
- The master plan includes I-503, a planned facility that was to connect properties along Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road and Mattawoman Drive extended. The named properties will lose the ability to access US 301/MD 5 in the future, and this roadway was deemed to be needed and therefore maintained on the *Approved Subregion 5 Master Plan and Sectional Map Amendment* to fulfill this function. Planned facility I-503 has been addressed by this plan by showing an industrial cul-de-sac south from Short Cut Road to the Schraf property. This cul-de-sac is located half on the subject property and half on the properties being served by it. Since I-503 was planned to benefit industrial-zoned land and the land was rezoned to R-M for residential use, the need for the road should be revisited. The uses on the subject property are different, and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, the plan for I-503 as reflected on the CDP is appropriate.

- The *Approved Subregion 5 Master Plan and Sectional Map Amendment* reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. While it is noted that this facility is not explicitly noted on the plan, the plan includes berming 100 feet in width along the site's frontage of US 301/MD 5. This berming is set back between 15 and 50 feet from the existing right-of-way. The transit facility is proposed to be 70 feet in width. It is determined, given that the transit line has not been subjected to environmental review or detailed engineering, that the area of berming along the US 301/MD 5 frontage constitutes adequate provision for this future transit facility. In the event that a transit facility is implemented in the future, plans for the facility will need to incorporate either the use of a retaining wall to maintain the berm or the removal of the berm in favor of a sound wall.
- It is noted that the transit line described above includes the identification of the combined M&M Joint Venture/Meinhardt properties as a possible location for a maintenance yard.

Within the R-M-zoned portion of the property, individual residential lots are proposed to receive driveway access from alleys or minor streets, and are not proposed to gain individual access to A-63 directly. This is desirable. Within the multifamily development proposed at the southern end of the site, west of A-63, the plan shows potential driveway access, and variations for driveway access to A-63 may need review. This will be evaluated further in the context of the preliminary plan of subdivision.

There is a piece of developed land in the E-I-A Zone surrounded by the R-M-zoned portion of this property. This developed site is not part of the subject application, but it receives its access via Mattawoman Drive. Given that the land around this site is proposed for development as mixed-use and residential, it is desirable that the E-I-A-zoned property be provided with the opportunity to gain access to Short Cut Road. It is recommended that an access symbol be shown on the CDP. The means of providing this access shall be determined further at the time of preliminary plan review.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available transportation facilities as required under Section 27-521(a)(7) of the Zoning Ordinance if the application is approved with the following conditions:

- a. Prior to signature approval of the CDP, the plan shall be revised to reflect the following rights-of-way:
 - (1) A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - (2) A right-of-way of 40 feet from centerline along C-613 (MD 381, Brandywine Road), along the site's frontage.
 - (3) A 70-foot industrial cul-de-sac extending southward from Short Cut Road to serve the Schraf, Meinhardt, and M&M Joint Venture properties as shown on the CDP.
- b. At the time of approval of the preliminary plan, the following transportation-related conditions shall be addressed:

- (1) A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections. The elimination of left turns at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties at some time in the future) shall be more fully addressed by the requirements of the approval of the preliminary plan of subdivision for the project.
 - (2) A northbound left-turn lane along US 301 at Mattawoman Drive.
 - (3) The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - (4) The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.
- c. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area C in the Subregion 5 master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

A fee calculated as \$1.41 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:

- (1) 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.). Construction shall be in accordance with

presently approved SHA plans.

- (2) Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
 - (3) Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
 - (4) 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.
 - (5) Reconstruct the traffic signal at US 301/MD 381.
 - (6) Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - (7) Provide a grade separation at the point where the spine road crosses US 301 northeast of T.B.
 - (8) Reconstruct the traffic signal at MD 5/Brandywine Road.
 - (9) Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - (10) Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - (11) Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
 - (12) 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.
 - (13) 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.
- d. Total development of the overall site shall be limited to uses that would generate no more than 710 AM and 819 PM peak-hour vehicle trips within the R-M Zone. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7) of the Zoning Ordinance.
- e. The R-M-zoned portion of the CDP shall be modified as follows:
- (1) The portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.
 - (2) The developed E-I-A property should be provided with the opportunity to gain

access to Short Cut Road. It is recommended that an access symbol be shown on the CDP. The means of providing this access shall be determined further at the time of preliminary plan review.

The Transportation Planning Section's comments have been incorporated into the Recommendation Section of this report.

3. **The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.**

Comment: In a memorandum dated August 3, 2010, the Transportation Planning Section stated that the trail required by this condition is shown adequately on the CDP. Further, the trails planner recommended that, in future approvals, the trail be proposed to cross as few separate lots as possible, be designed at a minimum eight feet wide, and that trail connectors should be at least six feet wide and paved with asphalt. Conditions requiring this have been included in the Recommendation Section of this report.

4. **The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.**

Comment: In a memorandum dated August 3, 2010, the Transportation Planning Section stated that the Countywide Master Plan of Transportation relocated A-55 so that it no longer crosses the subject property.

5. **The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.**

Comment: In a memorandum dated August 3, 2010, the Transportation Planning Section stated that Mattawoman Drive is a master-planned arterial road, currently indicated on the plans as having sidewalks along both sides. However, it is recommended that Mattawoman Drive be served by a eight-foot-wide, concrete side-path (in accordance with DPW&T standards) instead of a sidewalk on the eastern side of the road. A condition requiring this has been included in the Recommendation Section of this report.

6. **The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.**

Comment: In a memorandum dated August 3, 2010, the Transportation Planning Section stated that the applicant is proposing sidewalks and bikeways along all internal roads of the development to support pedestrian and bicycle use in the residential/commercial mixed-use development proposed, and that the details of the sidewalk design would be evaluated at the time of approval of specific design plans for the project.

7. **At time of Comprehensive Design Plan, the applicant shall:**

- a. **Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.**

Comment: The applicant has submitted design standards that establish design and review parameters including setbacks, lot coverage, and other bulk standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site. Staff recommends, however, that the standards be revised to be stated in mandatory terms and, in certain instances, staff has recommended conditions to clarify the design standards and to enhance the quality of the development.

- b. **Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.**

Comment: In a memorandum dated August 3, 2010, the Transportation Planning Section stated that the applicant has proposed a comprehensive, site-wide pedestrian circulation plan. Further, the bus transit stop locations have been indicated along Mattawoman Drive and appear to be adequate for the proposed use. However, these locations are conceptual in nature and the precise locations of the bus stops should be made at the time of approval of specific design plans for the project.

- c. **Show that bufferyards for residential pods generally meet the minimum requirements established in the Landscape Manual. However, in order to ensure compatibility, bufferyards shall be reviewed further during the Comprehensive Design Plan process.**

Comment: The illustrative plan conceptually shows room for bufferyards between different residential areas and between the commercial and residential pods. However, since the exact lot layout will not be determined until the time of approval of a preliminary plan and specific design plan for the project, a condition of approval has been recommended that would require the bufferyard location and design to be reviewed further at the time of specific design plan. Additionally, a condition has been included in the recommendation section of this report that, at the time of specific design plan, a landscape bufferyard that meets the requirements of a Type D Bufferyard per Section 4.7 of the Landscape Manual be provided between any commercial/industrial development and residential use pods. These bufferyards shall be specifically designed to screen and buffer undesirable views and activities.

- d. **Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.**

Comment: On-site recreational facilities for the 1,069 dwelling units proposed to be provided by the applicant include:

- A community building and recreation center including:
 - 25 meter pool
 - Wading pool
 - Bathhouse/pool facilities with community meeting space;

- One preschool-age playground (2,500 square feet);
- One school-age playground (5,000 square feet);
- Three multi-age playgrounds (7,500 square feet);
- One 100-foot by 200-foot open play area;
- Approximately 5,600 linear feet of a 10-foot-wide hiker/biker trail with a four-foot-wide cleared earth/turf equestrian sidepath.

Additionally, the applicant proposes the construction of major off-site recreational facilities at nearby Brandywine Area Community Park including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue.

Staff believes that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community, if a condition is adopted defining the minimum size of the community building to be at least 3,000 square feet.

Thus, the applicant has provided an indoor and outdoor recreational facility package adequate to meet the needs of future population of the development.

- 8. At the time of Comprehensive Design Plan the applicant shall provide either:**
- a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or**
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.**

Comment: In satisfaction of this condition, the applicant has agreed to a recommended condition below which requires the provision of off-site public recreational facilities at the Brandywine Area Community Park designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. More particularly, the condition requires that, prior to the issuance of 50 percent of the residential building permits, the applicant shall construct the following recreational and stormwater management facilities at the Brandywine Area Community Park:

- a softball field;
- a soccer field;
- a 65-space parking lot;
- access road from Missouri Avenue; and
- any related necessary stormwater management facilities.

Toward this end, prior to the issuance of 20 percent of residential building permits, the applicant will also be required to have the construction drawings and specifications for the construction of

the recreational facilities, and any related stormwater management facilities approved by the Department of Parks and Recreation.

- 9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.**

Comment: In a memorandum dated September 7, 2010, the Environmental Planning Section noted that a revised Natural Resources Inventory Plan (NRI-002-07) was approved for the overall Villages at Timothy Branch on August 19, 2010. Further, the Environmental Planning Section recommends a condition which has been included in the Recommendation Section of this report that would require the applicant to provide a detailed letter of justification addressing all impacts to the primary management areas (PMA), wetlands, and wetland buffers so that they may be further evaluated at the time of preliminary plan of subdivision. That requirement would ensure that the NRI is utilized by designers to limit impacts to regulated areas and evaluation areas of the site to the greatest extent possible.

- 10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.**

Comment: In a memorandum dated September 7, 2010, the Environmental Planning Section stated that the concept of providing threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible.

- 11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.**

Comment: In order to determine if there are historic or scenic characteristics that should be identified and preserved, an inventory of significant visual features for the viewshed adjacent to the right-of-way of Brandywine Road was required and submitted with the CDP. Please note that only a small section of the subject CDP fronts on MD 381, Brandywine Road. More specifically, the R-M-zoned portion of the site fronts on MD 381 from its intersection with Short Cut Road, in a southeasterly direction for approximately 300 feet.

The Environmental Planning staff reviewed the inventory which states that, although the roadway still follows its historic alignment as it passes through the property, the improvements which have occurred or are proposed for the roadway are a contraindication to the provision of a scenic buffer adjacent to the right-of-way due to existing conditions.

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

The historic roadway has been evaluated by the Environmental Planning staff in four sections. This discussion will focus on the portion called “Segment One” which extends from Short Cut Road east to the western edge of the office/retail/employment development pod west of

Mattawoman Drive, as this is the portion of the historic alignment that borders the subject CDP.

Segment 1: Starting from the westernmost point on the property, the first 350 linear feet of the viewshed is proposed to be retained in existing woodland with a depth of greater than 450 feet, which also incorporates the recorded 30-foot-wide landscape buffer as existing woodlands. This is complemented on the north side of Brandywine Road by a lengthy buffer of existing woodlands proposed on Lot 22 of the Stephen's Crossing project, currently under review for Detailed Site Plan DSP-09011.

The Environmental Planning staff's recommended conditions, relevant to the subject portion of the Brandywine Road frontage, have been included in the recommendation section of this report.

- 12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.**

Comment: The applicant provided copies of communications with representatives of the Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing projects, but indicated that, at the time of the writing of this report, no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreational amenities so that the twenty acre public parkland can serve as a Community Park.

Comment: The applicant has opted to provide both private recreational facilities and major off-site recreational facilities at the Brandywine Area Community Park. Therefore, the provision of recreational facilities on a 20-acre, on-site dedicated park is not necessary.

- 8. The Prince George's County Zoning Ordinance:** The project is subject to Sections 27-501 through 27-509, Purposes, Uses and Regulations in the Residential Medium (R-M) Zone of the Zoning Ordinance.

The project is also subject to the requirements of Sections 27-179 through 27-198, Comprehensive Design Plans and Section 27-521, Required Findings for the approval of Comprehensive Design Plans.

Lastly, the project is subject to the requirements of Section 27-230, Required Findings for Variances and Section 27-239.03, Variances in conjunction with Other Approvals.

Sections 27-501 through 27-509—The subject project conforms to the requirements of Sections 27-501 through 27-509, except with respect to the maximum allowable percentages of townhouses and multifamily dwellings in the development, the subject of companion variance

application, CDP-0902, discussed in detail below.

Sections 27-179 through 27-198—The subject project conforms to the requirements of Sections 27-179 through 27-198. See Finding 11 for a detailed discussion regarding the required findings for the subject comprehensive design plan.

Variance—This application includes a variance request from the requirements of Section 27-515(b)(7) which states, in pertinent part:

Except as provided in Section 27-480(g), for Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan... in the R-M, thirty percent (30%)...Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan;..R-M, ten percent (10%). These multifamily restrictions do not apply to Transit District Overlay Zones... No Basic Plan or Comprehensive Design Plan Amendment is required provided the building design and architecture requirements, as previously approved, are not modified.

In a letter dated August 18, 2010, the applicant laid a foundation for his argument supporting the request as follows:

“Five residential development sections cover the R-M-zoned portion of the property and they are shown on the Residential Unit Counts Exhibit, dated August 16, 2010. A mix of residential dwelling unit types are proposed in each of the five sections with the higher densities proposed in the RM-4 and RM-5 section near the south end of the development. Sections RM-1 and RM-2 are located east of Mattawoman Drive; Sections RM-3, RM-4, and R-M-5 are located west of Mattawoman Drive. The CDP proposes a total of 1,069 residential units on approximately 243 developable acres of land in the R-M Zone at a density of 4.4 units per acre, which falls within the range of 3.6 to 5.7 dwelling units per acre approved in the basic plan. The following dwelling unit types are proposed in the R-M Zone: one-family detached dwelling units, townhouse units, one-family semidetached (duplex) units, multifamily (condominium) units, and two-family attached (two-over-two) units. Townhouses in the R-M Zone make up 34.4 percent of the total dwelling units in that zone, which exceeds the allowable 30 percent maximum so that a variance of 4.4 percent from Section 27-515(b)(7), Footnote 29, is required. The multifamily condominium units in the R-M Zone make up 19.5 percent of the total dwelling units in that zone, which exceeds the allowable 10 percent maximum so that a variance of 9.5 percent from Section 27-515(b)(7), Footnote 29, is required.”

The variance requested is normally considered at the time of specific design plan. However, since the proposed development in this comprehensive design plan is contingent on the approval of the variance, it accompanies the subject comprehensive design plan as a companion case.

Staff has listed each required finding for a variance as stated in Section 27-230 of the Zoning Ordinance below in bold faced print, followed by the applicant’s reasoning, then staff comment. Please note that Section 27-239.03 of the Zoning Ordinance specifically allows (in part) that when the District Council or Planning Board makes a final decision in a...site plan (case)...the District Council or Planning Board (instead of the Board of Appeals) shall have the sole authority to grant variances from the strict application of (the Zoning Ordinance)...in conjunction with its approval.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Board of Appeals (Section 27-239.03 cited above vests this power in the Planning Board) finds that:

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

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

“The property has exceptional shape, topography, and or other extraordinary situations or conditions. First and foremost, the property is encumbered by Waters of the U.S., including tributaries to Timothy Branch, Timothy Branch, associated non-tidal wetlands, and an intermittent stream that diagonally bisects the property. The Waters of the U.S. provide for exceptional topography and reduce the building envelope. Moreover, the property is uniquely shaped due to its location between US Route 301 to the west and Timothy Branch to the east. Additional encumbrances on the developable area of land include the existing warehouse on Parcel E, which is not included in the development plan, and the Master Plan road alignment for A-63, Mattawoman Drive which bisects the property. The net result of the transportation network and environmental features is that the applicant is forced to increase the percentage of total units in order to adhere, as much as possible, with the density and mix of uses envisioned in the Basic Plan and Subregion 5 Master Plan.”

Comment: The applicant, in making a justification for the variance request at this conceptual stage, argues the extraordinary land conditions in relation to the entire land assemblage of 334 acres for CDP-0901 and CDP-0902 combined. This is atypical as the required variance finding is for a “specific” parcel of land. However, staff does find that the environmental areas, master-planned road, and irregular lot shape are unique constraints on the subject property and contribute to a condition that limits the areas available for siting development. This, coupled with the basic plan and Subregion 5 master plan vision for a densely developed community center on the subject property, justifies the consideration of the variance in relation to the whole property.

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

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

“The applicant contends that practical difficulties exist in the strict application of the Zoning Ordinance due to the fact that the applicant would be required to significantly reduce the density proposed for this mixed use village center development. This would contradict with the vision and goals of the Master Plan and Basic Plan. As proposed, the applicant is only requesting a variance of 15.8% to the number of multifamily units. To comply with the unit percentage limitations and provide for the density envisioned in the Master Plan, especially given the property's extraordinary conditions, is impossible.”

Staff Comment: As discussed above, the limited developable land and the intensive development pattern envisioned for the subject site as a village center creates an extraordinary situation for this property. The strict application of this Subtitle will result in peculiar and unusual practical

difficulties for the property owner because disapproval of the variance application would result in a significant loss of dwelling units.

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

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

“The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the property in the L-A-C zone and anticipated the development proposed in the Basic Plan. The basis for this variance is to facilitate the kind of mixed-use village center envisioned by the Master Plan and Basic Plan. Moreover, the proposed development conforms to the principals and guidelines of the General Plan, which address the design and physical development of the property, the public facilities necessary to serve the proposed development and the impact which the development may have on the environment and surrounding properties. The General Plan locates the property in the Developing Tier of the county, which is defined as a largely suburban area located primarily in the central portion of the county. The property is further defined as a possible future “community center” in a “corridor with limited access”. Visions for the Developing Tier include distinct commercial centers, compact, higher-intensity, mixed uses in centers and corridors and community focal points in planned commercial centers. The General Plan strongly recommends mixed-use housing and states that “mixed-use housing is integral to this general plan”. The applicant is proposing a mix of single-family semidetached, townhouse, two-family attached, and multifamily condominium units. Thus, the variance requested herein will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.”

Comment: The subject site is a large assemblage of land. Due to the presence of the Timothy Branch stream valley and its environmentally-sensitivity features and a master-planned arterial road planned for the subject property, land left suitable for development is limited. Approving the requested variance to allow for increases in allowable unit types in order to increase the density and intensity of the property is consistent with that envisioned by the General Plan and the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.

9. **The Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the entire site has a previously approve Type 1 tree conservation plan, and portions of the site have an approved Type 2 tree conservation plan. After lengthy analysis in a memorandum dated September 7, 2010, the Environmental Planning Section recommended approval of TCP1-151-90-01, with conditions. Therefore, the subject application is in conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
10. **Referrals:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation Section—In comments dated December 4, 2009, the Historic Preservation Planning Section stated that the proposed residential development in the R-M Zone will have no effect on identified historic sites, resources, or districts.

Archeological Review— In a memorandum dated November 25, 2009, the archeology planner coordinator offered the following:

- a. A Phase I archeological survey was completed on the subject property prior to submission of this comprehensive design plan. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded Historic Site, 18PR454, and one previously recorded Prehistoric Site, 18PR974. Five new archeological sites were delineated and include a late 19th or early 20th century Domestic Site, 18PR991; a Prehistoric Site, 18PR992, likely dating to the Archaic period (7,500 to 1,000 BC); a mid-19th century Domestic Site, 18PR993; a Colonial Period Domestic Occupation, 18PR994; and a mid- to late-20th century Domestic Ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.
- b. Staff concurs with the recommendation of this report that sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site may retain some integrity. Staff recommended that Phase II investigations be conducted on sites 18PR454, 18PR992, 18PR993, and 18PR994, and these studies have been completed.
- c. If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of a preliminary plan.

Comment: The archeology planner coordinator originally suggested that four conditions be included in staff's recommendation regarding the subject project; however some of the conditions have been met and a preliminary plan of subdivision is pending. Subtitle 24 provides the basis for archeological preservation.

Community Planning—In a memorandum dated May 26, 2010, the Community Planning South Division stated that the application conforms to the recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* for residential land use in the Developing Tier. They also stated that it conforms to recommendations for residential land use in a community-level center in Brandywine, although its residential density falls at the low end of the recommended range. They suggested that the applicant be required to show the center core and edge boundaries on the CDP and indicate the development densities that are proposed in the center edge and center core areas to confirm conformance with plan policies for residential land use in this center. This information has been shown in the plan. They also stated that the applicant should consider developing within the designated center area, i.e. Section 5 in the southwestern corner of the subdivision, and the southern part of Section 4 just to its north at the end of their building program, and continually re-evaluate the feasibility of concentrating a greater amount of the allowed development density in these areas. The plan shows multifamily development in this area. Additionally, they noted that the proposed transit alignment stop to be located along

US 301/MD 5 in the eastern portion of the subject site and the proposed transit station, just south of the subject site's southern boundary along the US 301 frontage, should be indicated. Lastly, they suggested that the potential for providing an access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road should be explored as an opportunity to deflect heavy truck traffic from the planned development. The Community Planning South Division's suggestions have been included as appropriate in the recommendation section of this report.

Subdivision Review Section—In a revised memorandum dated September 10, 2010, the Subdivision Review Section stated that the subject property is located on Tax Map 145 in Grid B4 and is divided in two portions. The northern portion of the site known as Parcels A through G of the Brandywine Commerce Center is zoned L-A-C and R-M, with Parcel E not a part of this application. The site is partially cleared and some infrastructure is constructed. The applicant proposes to establish residential, retail, and commercial land uses on the site. The southern portion of the site is known as unrecorded Parcels 4, 13, 19, and 25, and is zoned R-M.

Further, the Subdivision Section stated that a preliminary plan of subdivision is required for the entire site after approval of the CDP, but prior to the approval of the first specific design plan for the property, and that Preliminary Plan 4-09003 is currently being reviewed for this purpose. A review criterion for the preliminary application will be that it conform to the requirements of the approval of the CDP.

The Subdivision Section also offered that Preliminary Plan 4-92048 (PGCPB Resolution No. 92-187) was approved for the Brandywine Commercial Center (Parcels A–G) in May 1997 for the development of 4,012,846 square feet of industrial square footage on 372 acres, excluding the 28 acres known as Parcel E. The remainder of the site was not platted within six years of July 23, 1992, the date of the adoption of PGCPB Resolution No. 92-187, the validity period allowed by Section 24-119(d)(7) of the Subdivision Regulations for industrial zones and nonresidential areas within a comprehensive design zone. No extensions were filed and so the preliminary plan is no longer valid for the remainder of the site.

Noting that the District Council approved the rezoning of the site and the area covered by the basic plan as part of A-9987 and A-9988, approved by Zoning Ordinance 17-2008 on July 11, 2008, the Subdivision Section suggested that Conditions 2, 3, 4, 5, 6, and 10 are most directly related to the review of the subject comprehensive design plan in preparation for the future approval of a preliminary plan for the site. Please see Finding 7 for a detailed discussion of compliance with the relevant conditions of the basic plan and zoning map amendment.

In addition to a concern regarding conformance with the requirements of the basic plan, the Subdivision Section raised the following issues:

- a. The CDP establishes density and land use intensity for the proposed development based on formulae from the Zoning Ordinance, including increases in density based on public amenities. In the R-M Zone, the applicant is requesting 1,069 dwelling units, including a mix of single-family detached, single-family attached, one-family semidetached, and two-family attached and multifamily units. The density requires 22 percent increase over the base density and proposes to justify this through the provision of public benefit features. The preliminary plan must show and demonstrate any public benefit features, such as the provision of open space or a pedestrian system separated from vehicular rights-of-way, in order to justify an increase over the base density. These calculations are authorized by the Zoning Ordinance and are considered separately from the mandatory

dedication of parkland required by the Subdivision Regulations.

- b. The CDP should represent an acceptable level of detail in the text. As the CDP will act as a locally applicable zoning ordinance for bulk and lot standards within the development, it is important that the text address the characteristics of the site and proposed development within each lot. Specifically, the Subdivision Section suggested that the text consider the following:

- (1) **Maximum block perimeters.** Recent revisions to the plan have combined some blocks into long and irregular patterns. Residential Module 3, located north of the development's center, is not a preferred design. The illustrative plan shows that this "long ear" is surrounded by sticks of front loaded townhomes and filled with duplexes. The CDP should establish a maximum block perimeter. Most of the interior blocks are 2,000 feet around, which is at the upper limit of walkability. The irregular shaped blocks approach 3,000 feet in perimeter with no pedestrian or vehicular cut-throughs. Maximum block perimeters should be established around 2,000 feet. The applicant should revise the plan to reduce the block perimeter by creating several cross streets within the irregular blocks. The housing type within and around these blocks should be reconsidered to permit rear loading of the townhouses and improved access to green areas and recreation centers.

Comment: Staff agrees that the design of the "long ear," as referred to above, should be revised to provide a walkable block pattern with sidewalks and street trees. Staff recommends that the plan be revised to create a walkable block pattern with two private streets introduced at 300–400-foot intervals and relocation of units to the front on each street.

- (2) **Increased setbacks for different street widths.** The plan shows public streets that are 50, 60, and 92 feet wide, private streets that are 22 and 26 feet wide, private driveways, private alleys, private parking compounds, and a 120-foot-wide arterial roadway. Lots of similar shapes and depth face all types of streets. It would be appropriate to increase the setback along wider streets, such as making a setback equal to one-half of the width of the street. This would keep the 25-foot setback for single-family detached homes along the secondary 50-foot-wide streets, but widen the setback for the duplexes facing a 60-foot-wide street.

Comment: In review of Section 27-442(e), Residential Zone Yard Regulations, of the Zoning Ordinance a residential unit's front yard depth requirement is not typically based on the street width upon which it fronts. However, Section 24-121(a)(4) of the Subdivision Regulations requires that "residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet." Further, Section 24-121(a)(4) also requires that "residential lots adjacent to existing or planned roadway of freeway of higher classifications...shall be platted with a minimum depth of three hundred (300) feet."

These regulations protect the dwelling units from the negative impacts of noise, a exhaust and vibrations associated with traffic both of the arterial and freeway designation, roadway, which typically involves very high levels of traffic volume. Mattawoman Drive is projected to carry 47,800 vehicles per day, as stated in the Subregion 5 Master Plan,

Transportation Technical Bulletin. An increased setback for residential structures from each of the roadway classification should be required. A condition has been included in the Recommendation Section of this report that would require a 50-foot building restriction line, to include a landscape buffer for all residential buildings located along Mattawoman Drive and a 200-foot building restriction line for multifamily residential buildings located along US 301. Building restriction lines for other residential product types along US 301 should be determined at the time of SDP.

- (3) **Architectural features permitted within required setbacks.** While increased setbacks may improve the aesthetics of the development and lotting pattern, this can be undermined by grossly exaggerated sets of stairs, retaining walls, or other architectural features being permitted within the setback. This will be important for the two-family attached dwellings, where some designs for this type of dwelling have exterior stairs accessing the second floor. The CDP should clearly state which architectural features, if any, are allowed within these setbacks.

Comment: Staff agrees that the design and location of various architectural features can undermine the benefits of an increased building setback. A condition has been included in the recommendation section of this report that requires the amount of stairs and the height of retaining walls within this building restriction area be restricted at the time of SDP, as determined appropriate by the Planning Board.

- (4) **Setbacks, height limits, and lot coverage standards for accessory buildings, decks, and fences.** It is not too early to consider the end user that will be living in these homes. The eventual home buyer will want to improve their homes with sheds, pools, and other amenities. The CDP must establish setbacks for accessory buildings, decks, and fences.

Comment: Staff agrees that establishing standards for accessory buildings, decks, and fences is appropriate at this time in order to ensure consistency in future specific design plan review and future homeowner improvements within the development. A condition has been included in the recommendation section of this report that alters the development standards chart to include typical standards for these items.

- (5) **Setbacks from proposed trails, parking compounds, and cross-block pathways.** The master plan trail closely follows the rear property line of several lots along the eastern side of the development area. This trail has been field located by staff with the applicant. However, recent applications that have appeared before the Planning Board suggest that the benefits of such trails are not fully appreciated by the eventual homeowners, who construct fences or other structures against or even impeding the trail. The same issue can arise where parking compounds are close to townhouses or where trails are proposed to cross in the middle of a large block. The CDP can establish a minimum distance of 15 to 20 feet between property lines and the master plan trail, as well as establish planting requirements where these features are close to backyards. Setbacks for accessory buildings and fences in these areas can be increased five or ten feet in order to remove pressure from the trails. Alternately, the trail itself could be revised to move it away from the boundary line for the single-family residences.

Comment: Staff agrees with the concern of developing an appropriate spatial relationship between the master-planned trail and residential units. A condition has been

included in the recommendation section of this report that requires a minimum 20-foot setback from any residential lot line and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network.

- (6) **Appropriate buffers and setbacks between residential, commercial, and industrial uses.** The CDP should establish the minimum distances required between incompatible uses. Within the development, residential uses are separated from commercial uses by public streets. However, neighboring parcels include several industrial uses. At points, several proposed lots are 25 feet from the neighboring gas station, 30 feet from Parcel E, the existing warehouse property, or 40 feet from the proposed industrial road along the northwest edge of the property. The Planning Board may consider increasing these buffers to 50 feet as part of the CDP.

Comment: The main area of concern regarding buffering treatment is between the proposed residential use and the adjacent industrial uses on Parcel E, the Meinhardt, M&M Joint Venture, the Schraf properties and the Brandywine 301 Industrial Park to the south and the commercially-zoned use McGrouder and Gannon parcel along US 301. Staff has recommended by condition below that, at the time of specific design plan, that the requirements of Section 4.7 of the *Prince George's Landscape Manual* should be used to provide adequate buffering between incompatible uses at the perimeter of the property. Such landscape plan shall be approved by the Planning Board.

- (7) **Design standards for multifamily areas.** Residential Module 5, the cluster of multifamily dwellings at the southern portion of the site—the illustrative plan shows an unfocused arrangement of multifamily units that result in an irregular shape to the proposed property line between the parcels. This cluster should be rearranged to provide a stronger community focus and improve the rationality of the proposed parcel boundaries.

Comment: Staff recommends that the multifamily use with Module 5 be redesigned at the time of SDP to include a central recreation area and require a substantial set back move from the arterial and freeway.

From a subdivision perspective, these issues are important because they will be used to determine the appropriateness of each proposed lot and parcel. Given the constraints listed above, it is anticipated that the lotting pattern, street layout, and open space design may change at the time of preliminary plan.

The CDP should delineate the required lot depth associated with roadways of arterial classification and higher. Mattawoman Drive and Matapeake Business Drive are identified as arterial roadways. Crain Highway (US 301) is a Freeway. While the CDP is not specific about the type of dwelling that will front on Mattawoman Drive or Matapeake Business Drive, the illustrative plan and conversations with the applicant show two-family attached dwellings fronting the entire length of the road. Townhomes and single-family detached dwellings back up to the homeowners association (HOA) property immediately adjacent to US 301. Urban Design staff should comment on the appropriateness of this design. Individual lots in both circumstances will have to meet minimum lot depth requirements. Section 24-121(a)(4) of the Subdivision Regulations states:

Residential lots adjacent to existing or planned roadways of arterial classification

shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

Per Section 27-107.01(4) of the Zoning Ordinance, “adjacent” is defined as those lots that are “nearby but not necessarily abutting, adjoining, or contiguous” an arterial or freeway. This would include those lots which are separated from an arterial or higher road by only HOA land. Further, Subdivision Regulations Section 24-121(a)(3) prohibits access to individual lots off of a roadway of arterial classification or higher. The Environmental Planning Section should comment further on noise and vibration along these roads.

Residential buildings fronting on Mattawoman Drive, a six-lane arterial roadway, are problematic due to the high volume of traffic that will be using this thoroughfare, including possibly truck traffic to the existing warehouse. Unmitigated noise contours were provided on the CDP plan, which shows some of the effects of the roadway on the adjacent property. The 75 dBA Ldn noise contour is located approximately at the right-of-way line along both sides of Mattawoman Drive, with the 70 dBA Ldn noise contour being approximately 100 feet behind that, and another 100 feet behind that is the 65 dBA Ldn noise contour, which is generally the maximum acceptable noise level for residential properties. Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

In order to allow room for landscaping, berms, or possibly fencing to provide protection and screening from traffic nuisances, staff recommends the establishment of a minimum 50-foot building restriction line, approximately corresponding to the midway point between 75 and the 70 dBA Ldn noise contour, for all residential buildings fronting on Mattawoman Drive. The addition of a required landscaped area within this building restriction area will allow the opportunity to provide visual and noise buffering for the residential units. At the time of specific design plan, protection of outdoor areas associated with the dwelling units will be required to demonstrate a reduction in noise levels to 65 dBA.

The applicant should identify whether streets are to be public or private at the time of preliminary plan. This will be important in determining which residential uses will be permitted in which locations. Subdivision Regulations Section 24-128(b)(7)(A) states, in part that:

In Comprehensive Design and Mixed Use Zones...the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings...

The private roads permitted under this section must be in accordance with the Zoning Ordinance in Section 27-433(e), streets in the R-T Zone, and Section 27-433(f), access to individual lots in the R-T Zone. The applicant should refer to these sections for further regulations dealing with alleys that provide access to the rear or side of abutting lots not intended for general traffic circulation. The applicant should provide rationale in the preliminary plan for the use of a public road versus a private road, as well as the transition between changes in street width at different points on the same road.

The CDP should also address the potential for connecting the warehouse use of Parcel E with

Short Cut Road. Mattawoman Drive is proposed to be a heavily used arterial roadway and warehousing is inappropriate on this road since the surrounding land area has been zoned to residential; a departure from the original industrial vision for this area. Parcel E is a remnant of that history. It would be a reasonable accommodation between the existing warehouse use and the future residential uses to provide an alternate connection to Parcel E.

The access from Mattawoman Road to Residential Module 1 should be revised. On the current illustrative plan, this access is shown as a single large road that faces directly into Parcel E and the incompatible warehouse use on the property. An alternative would be to have two smaller entrances, approximately across the street from the property lines of Parcel E. This will minimize the visual impact of the warehouse use on the residential area by allowing landscaping to buffer two uses.

The Subdivision Section then recommended approval of CDP-0902 with conditions:

Trails—In a revised memorandum dated August 3, 2010, the Transportation Planning Section provided a detailed background review and recommended conditions of approval which have been incorporated as appropriate in the Recommendation Section of this report.

Department of Parks and Recreation (DPR)—In a memorandum dated August 4, 2010, the Department of Parks and Recreation reviewed the comprehensive design plan for conformance with the requirements of the relevant basic plan, the requirements and recommendations of the Prince George's County General Plan, the approved Master Plan and Sectional Map Amendment for Subregion 5, zoning regulations, and the existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities and found in part:

- a. Using current occupancy statistics for single-family and multifamily dwelling units leads staff to conclude that the proposed overall development (R-M and L-A-C zones) would generate an increase of 3,328 residents in the Brandywine community which would significantly impact demand on public recreational facilities such as parkland, football, soccer and baseball fields, basketball and tennis courts, playgrounds and picnic areas.
- b. The Prince George's County General Plan establishes objectives related to the provision of parkland in the amount such that a minimum of 15 acres of M-NCPPC local parkland be provided per 1,000 population and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (3,328), staff has determined that 50 acres of local and 66.5 acres of regional public parkland suitable for active recreation will be needed to serve the proposed development.
- c. Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 30.5 acres of parkland suitable for active and passive recreation to serve the proposed development. The applicant proposes private recreational facilities in lieu of mandatory dedication of parkland. DPR staff believes that, in order to provide quality recreational services to such a large new residential community, a combination of on-site private (playgrounds, tennis courts, basketball courts, homeowners' community centers, swimming pools, open play areas, picnic areas, and a bicycle and pedestrian trails network connecting neighborhoods) and off-site public (soccer, football, and softball fields designed for the large planned events, picnic shelters, large playgrounds, and master-planned trails connecting the parks and residential communities in the area) recreational facilities are needed.

- d. The subject property is located 0.75 miles south of the undeveloped, 62-acre Brandywine Area Community Park, for which DPR staff developed a park concept plan including a soccer, softball and youth soccer fields, school-age playground, tot lot, four picnic shelters, two basketball courts, asphalt and nature trails, and a 130-space parking lot. DPR noted, however, that there is no Capital Improvement Program funding allocated for the development of the park.
- e. To address conditions of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant proposes the construction of major off-site recreational facilities at nearby Brandywine Area Community Park including one softball field, one soccer field, and a 65-space parking lot, with the first phase of park construction having access from Missouri Avenue. Additionally, the applicant proposes to include the following on-site private recreational facilities in the development: two recreation centers with swimming pools, tennis courts, two gazebos, a stream valley trail, a tot lot, a school-age playground, three multi-age playgrounds, and one open play area.

The Department of Parks and Recreation stated that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities would satisfy the recreational needs of the residents of the Villages of Timothy Branch planned community. Conditions suggested by the Department of Parks and Recreation staff have been included in the recommendation section of this report to implement their suggestions contained herein.

Public Facilities—In a memorandum dated January 6, 2010, the Special Projects Section stated that they had reviewed the project in accordance with Section 27-521 of the Zoning Ordinance and concluded that the staging of development will not be an unreasonable burden on public facilities, fire and rescue facilities and that public schools would receive a school facilities charge of \$13,921 per dwelling unit at the time of building permit.

Environmental Planning Section—In a memorandum dated September 7, 2010, the Environmental Planning Section offered the following.

The Environmental Planning Section has reviewed the revised comprehensive design plan and Type 1 Tree Conservation Plan TCP1-151-90-01 for the R-M-zoned section of the Villages of Timothy Branch, stamped as received by the Environmental Planning Section on August 19, 2010. The Environmental Planning Section recommends approval of Comprehensive Design Plan CDP-0902 and Type 1 Tree Conservation Plan TCP1-151-90-01, subject to conditions.

Background

The Environmental Planning Section has reviewed this site extensively in the past. The pertinent cases begin with Preliminary Plan 4-92048 (Brandywine Commerce Center), with associated Type 1 Tree Conservation Plan TCP1-151-90, for a 372.24-acre tract which was approved subject to PGCPB Resolution No. 92-187. The preliminary plan for this site indicated that development would occur in six phases. Subsequently, a Type 2 Tree Conservation Plan, TCP2-68-93, was approved for Phases I and II on the northern end of the property for the purposes of constructing stormwater management ponds and nontidal wetland mitigation areas. A TCP2 was also approved for Phases III through VI (the southern portion of the property) for the purpose of installing a culvert in the Timothy Branch stream valley, which was required for the extension of the master-planned Mattawoman Drive. This culvert was never installed and Phases III through VI were never platted. The preliminary plan subsequently expired.

In 1997, Detailed Site Plan DSP-97012 and Specific Design Plan SDP-9703 were approved for a 28.45-acre site in the Brandywine Commerce Center which straddled the I-3 and E-I-A Zones for the development of a Circuit City Warehouse, and a separate TCP2 (TCP2-42-97), was approved for the area of TCP2-68-93 located on the northwest side of Mattawoman Drive in conformance with TCP1-151-90. A lot line adjustment was subsequently platted for Parcel E, and Parcel E was developed in accordance with the approved plans. No other development has moved forward on the site since that time.

Site Description

The subject property is 262 acres in size, is zoned R-M and is located in the southeast quadrant of the intersection of Crain Highway (US 301) and Brandywine Road (MD 381). Current air photos indicate that two-thirds of the site is wooded. This site contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed, in the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. A portion of Short Cut Road, west of Mattawoman Drive, is classified as an industrial road in the Master Plan of Transportation (MPOT), and is also adjacent to the R-M-zoned portion of this site. The section of Crain Highway (US 301) which borders the site to the west is a master-planned freeway, and an existing source of traffic-generated noise. Mattawoman Road, which is internal to the site, is classified as an arterial, which is generally regulated for noise impacts when associated with residential development. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Croom, Elkton, Iuka, Leonardtown, and Sassafras series. Marlboro clay does not occur in this area. The site is in the Developing Tier according to the General Plan. According to the *Approved Countywide Green Infrastructure Plan*, the stream valley along the eastern boundary is a regulated area and the majority of the property is an evaluation area, with small areas of network gap.

Conformance with the General Plan

The Environmental Infrastructure Chapter of the General Plan contains policies and strategies applicable to preservation, enhancement, and restoration of the natural environment and its ecological functions as the basic component of a sustainable development pattern. The following policies and strategies are applicable to the current review.

Policy 1: Preserve, protect, and enhance the designated green infrastructure elements.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern.

Strategy V. Meet the requirements of the Woodland Conservation Ordinance on-site to the fullest extent possible within the Mattawoman watershed. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

Policy 5: Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures.

Policy 7: Minimize impacts of noise on residential uses during the land development process.

The above listed policies, as well as the specific strategy related to the Mattawoman Creek watershed, are discussed below as part of the discussion regarding conformance with the Green Infrastructure Plan, subregion master plans, and the overall review of the proposal.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the June 2005 *Approved Countywide Green Infrastructure Plan*, which are consolidated along the stream corridor located along the eastern border of this site. The submitted application shows the preservation of the regulated areas and areas adjacent to all regulated areas in general conformance with the Green Infrastructure Plan.

The Mattawoman Creek stream valley was designated as a special conservation area in the Green Infrastructure Plan because its associated stream basin is among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The quality of the water entering the stream system in the watershed is of particular concern, and when evaluation areas occur within the watershed, woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas and protect water quality.

The following policies are applicable to the review of the subject application:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains regulated areas, evaluation areas, and network gaps areas as identified in the Countywide Green Infrastructure Plan located within the Mattawoman Creek watershed, which is a primary corridor and a special conservation area. As noted above, it appears that the submitted application shows the preservation of the regulated areas and areas adjacent to all regulated areas in general conformance with the Green Infrastructure Plan.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices. It is recommended that environmental site design techniques be applied throughout this site, to the fullest extent practicable, because this site will be subject to the new stormwater management regulations. The stormwater management concept approval letter states that six wet ponds are proposed to be used to meet the stormwater management requirements.

Recommended Condition: Each specific design plan submission package shall include a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques to the fullest extent practicable.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

This policy is superseded by the General Plan policy and strategy to meet the requirements of the woodland conservation on-site to the fullest extent possible within the Mattawoman watershed, or if off-site mitigation is required, to provide it within the Mattawoman watershed.

Recommended Condition: The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

Conformance with the Subregion 5 Master Plan

The subject property is located within the *Approved Subregion 5 Master Plan and Sectional Map Amendment* (2009). The protection of the regulated environmental features proposed on the CDP and associated TCP1 is in general conformance with the guidance provided by the master plan.

The CDP and TCP1 required revisions to show the ultimate public rights-of-way associated with the subject property (both state and county) in conformance with the transportation improvements approved with the Subregion 5 master plan, the Master Plan of Transportation, and the US 301 Upgrade Option. The Transportation Planning Section will review the revised CDP for conformance with the ultimate public rights-of-way associated with the subject property.

Recommended Condition: Prior to certificate approval of the CDP, the TCP1 shall be revised to conform to the ultimate rights-of-way for the CDP as determined by the Transportation Planning Section based on the Subregion 5 master plan, the Master Plan of Transportation, and the US 301 Upgrade Option. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.

Environmental Review

- a. An approved revised Natural Resources Inventory (NRI-002-07) for the overall Villages at Timothy Branch was approved on August 19, 2010. An existing conditions and environmental plan were previously submitted with the application.

The revised NRI correctly includes the previous platted buffers and easements as shown on the final plat. These include, on the west side of Mattawoman Road: a 30-foot-wide landscape buffer along Short Cut Road, Brandywine Road, and Mattawoman Road required by the previous I-3 zoning of the property; a wetland area easement and wetland buffer adjacent to Brandywine Road; a 100-year floodplain easement; and a 25-foot-wide non-disturbance buffer which runs along the southwest boundary of the site, including Parcel E. On the east side of Mattawoman Drive, only a 100-year floodplain easement along with various utility easements are shown. The relevance of these features will be discussed later in this section.

On July 13, 2010, the County Council approved new legislation that requires minimum stream buffers in the Developing Tier to be 75 feet in width on each side of the existing streams. The revised NRI is in conformance with these regulations, which became effective September 1, 2010. Because an NRI is now a required submission for a CDP, a revised existing conditions plan is not needed.

The CDP has been revised to reflect the environmental features shown on the revised

NRI, with the exception of the platted landscape easement on the south side of Brandywine Road, west of Mattawoman Drive, because the CDP does not propose to retain a landscape buffer easement in this area. No further information is required with regard to the NRI.

- b. This site contains streams, wetlands and wetland buffers, and 100-year floodplain within a delineated expanded buffer, which are protected under the current record plat, and are proposed to be protected in the R-M-zoned portion of the site under the previous requirements of Subtitle 24.

The new legislation requires, under Section 27-521(a)(11) of the Zoning Ordinance, that the Planning Board finds that the plan "...demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible." In order for staff to make a recommendation to the Planning Board regarding this required finding, a letter of justification must be submitted that describes the existing regulated environmental features on the site, whether or not the features are to be preserved and/or restored, and how the design has avoided the proposed impacts and/or minimized them. Anticipated impacts for wet pond outfalls should be included in the justification. The methods to determine "fullest extent possible" are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and, where necessary, mitigation. The manual also describes what types of impacts are considered necessary and the types that can be avoided.

If the cumulative impacts on the site total 200 or more linear feet of stream beds or one-half acre of wetlands and wetland buffers, then mitigation will be required and evaluated at the time of preliminary plan review. The letter of justification indicates that the currently proposed impacts exceed 200 linear feet of stream bed or one-half acre of wetlands and wetland buffers.

Recommended Condition: An evaluation of all impacts to the PMA shall be made at the time of preliminary plan review based on revised plans which address all applicable conditions of CDP approval. A revised letter of justification should provide for impacts remaining at the time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be provided.

Recommended Condition: If, after revisions to the CDP plan are made in accordance with all conditions of approval, cumulative PMA impacts on the site total 200 or more linear feet of stream beds or one-half acre of wetlands and wetland buffers, required mitigation should be identified at the time of preliminary plan review.

Recommended Condition: Prior to acceptance of the first SDP package for review, it should be evaluated to ensure that it contains a plan and proposal that includes the type, location, and timing for the required PMA mitigation, if it is required.

- c. This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the entire site has a previously approved Type 1 tree conservation plan, and portions of the site have an approved Type 2 tree conservation plan.

A Type 1 Tree Conservation Plan (TCP1-151-90) was approved for the overall site application when the pre-1993 woodland conservation threshold standards of a straight 10 percent requirement of the net tract area for industrial zones, with no replacement

required for clearing, were in place.

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

The Brandywine Commerce Center (TCP1-151-90) was grandfathered under the requirements of the pre-1993 ordinance, and as a result, the woodland conservation requirement for the overall property was 31.53 acres, based on a net tract area of 315.31 acres. Type 2 Tree Conservation Plans TCP2-68-93, TCP2-84-93, and TCP2-42-97 were subsequently approved under the pre-1993 requirements, in conformance with the previously approved TCP1.

With the recent rezoning of the property, except for Parcel E which remained in the E-I-A and I-3 Zones, the development pattern proposed is significantly different than the previous approval. This property is no longer grandfathered under the requirements, and will now need to meet the requirements of the current Woodland Conservation Ordinance. The R-M Zone has a 20 percent woodland conservation threshold.

Woodland conservation for Parcel E, to the extent required, has been accounted for on the revised plans submitted. The area of the previously approved TCP2 (TCP2-042-97) was included in the original TCP1 approval and the woodland conservation requirement was calculated and fulfilled in accordance with the pre-1993 Ordinance. Notes on that TCP2 state that:

“The tree preservation requirements for this project were fully accounted for as part of the approved Brandywine Commerce Center, Phase 1 & Phase II Type 2 TCP2-68-93. Any clearing of the previously established preservation areas will be reforested in accordance with these plans.”

Additional notes on the TCP2 indicate that the woodland conservation requirement for Parcel E was determined to be 2.55 acres, and that 0.58 acre was provided in on-site preservation and 0.24 acre was provided through on-site reforestation. Therefore, the 1.73 acres of woodland conservation was required for Parcel E on the remainder of the Brandywine Commerce Center property. The revised TCP1 demonstrates the fulfillment of this requirement on the remainder of the property. The woodland conservation worksheet on the revised TCP1 indicates 1.73 acres of woodland conservation provided to fulfill the outstanding requirement for Parcel E (TCP2-42-97).

- d. The TCP1 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.64 acres of wooded floodplain. The TCP1 encompasses the land area that is included in both the subject application (262 acres) and CDP-0901 for The Villages of Timothy Branch (72.26 acres).

The revised TCP1 submitted with CDP-0901 and CDP-0902 lacks the conceptual grading

and building footprints necessary for review. The TCP1 plan reviewed for the initial comments was the TCP1 submitted with the preliminary plan which provides these necessary features.

The revised TCP1 submitted with the CDP proposes clearing 144.30 acres of upland woodlands, 1.06 acres of wooded floodplain, and 0.13 acre of off-site impacts. The woodland conservation threshold for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed is 108.07 acres. With the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCP2-42-97), the total woodland conservation requirement to be provided is 109.80 acres.

The plan proposes to meet the requirement with 28.76 acres of on-site preservation, 45.74 acres of afforestation/reforestation, and 33.57 acres of off-site mitigation in fulfillment of the woodland conservation requirements for the site, but does not include how 1.73 acres of off-site woodland conservation is provided on this property. The inclusion in both the top and bottom portion of the worksheet cancels each other out.

Much of the site is located within a designated evaluation area of the Countywide Green Infrastructure Plan and within the watershed of Mattawoman Creek. Woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas, to widen stream buffers and protect sensitive environmental features, is also recommended. In addition, the strategies contained in the General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, that it be fulfilled within the Mattawoman Creek watershed.

The woodland conservation threshold for the subject property is 53.77 acres. The revised TCP1 proposes to provide 74.50 acres of woodland conservation on-site; this is less than the woodland conservation threshold for the site plus the 2:1 replacement requirement for on-site clearing below the threshold (53.77 acres plus 23.17 acres equals 76.94 acres). The concept of providing the threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible.

Recommended Condition: Prior to certificate approval of the CDP, the TCP1 shall be revised as follows:

- (1) Show the provision of the total woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site;
- (2) Provide for the 1.73 acres of off-site woodland conservation being provided on this site in the worksheet and on the TCP1 plan; and
- (3) Have the revised plan signed and dated by the qualified professional who prepared it.

Recommended Condition: All future tree conservation plan submissions shall show the provision of the total woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site.

- e. The TCP1 requires technical revisions to meet the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, approved by the County Council on July 13, 2010 and effective September 1, 2010.

Section 25-122(b)(1)(I) and (J) of the County Code set the minimum sizes for woodland preservation and afforestation areas. The minimum width for woodland preservation and afforestation areas is 50 feet and the minimum contiguous area is 10,000 square feet. The minimum dimensions for landscaped areas are 35 feet wide and 5,000 square feet in area. Landscaped areas must also contain at least 50 percent trees. It appears that there are areas shown on the TCP1 that do not meet these minimum standards. The plans must be revised to meet these minimum standards and all of the design criteria contained in Section 25-122. A complete analysis of the proposed preservation and afforestation areas must be conducted by the qualified professional prior to certification so that the plans can be found to meet the minimum standards of Subtitle 25.

Section 25-122 is silent regarding the required distance between townhouse or multifamily buildings and woodland conservation areas. Section 25-122(b)(1)(O) requires woodland conservation areas to be shown no closer than 20 feet from the sides of all commercial buildings. Unless a justification is provided regarding an alternative placement of utilities and access points to the rears of townhouse lots, a 10-foot-wide access zone must be maintained around all sides and rears of “sticks” of townhouses, or duplexes. This clear access zone should be free of woodland conservation areas or noise mitigation measures that would block access. This cannot be evaluated without building footprints.

Woodland conservation cannot be proposed within the ultimate rights-of-way of public roads or within public utility easements (PUE). Refer to Section 25-122(b)(1)(N) for the restrictions on placing woodland conservation within ultimate rights-of-way and easements.

The specimen tree table has been revised in accordance with the condition analysis procedure contained in the Environmental Technical Manual, and the proposed disposition of the specimen trees has been included in the specimen tree table. The table lacks the required note regarding the method of location of the specimen trees (field located or surveyed). On a TCP1, the trees are only required to be field located; however, at time of TCP2 review, the trees must be survey located.

The TCP1 shows master-planned trails as identified in the legend co-located with woodland conservation areas. Revise the TCP1 to eliminate the use of areas within the trail as woodland conservation. The locations of trails will be further evaluated in greater detail in later development phases.

The approval blocks on each sheet should be revised to include the new TCP nomenclature, TCP1-051-90. The revised TCP1 submitted with the CDP now reflects the required standard symbols, but does not include all pertinent standard notes provided in the Environmental Technical Manual, specifically Notes 7 through 10. Standard sheet layout will not be required with the current TCP1 plan, but must be satisfied with all TCP2 submittals.

If the design criteria and other requirements of Subtitle 25 have not been shown on the plans to be met in their entirety, or if a specimen tree is to be removed, a variance must be requested for each section of the subtitle that is not being met. One variance application form may be used for all variances to Subtitle 25 being requested. A letter of justification must accompany the variance request that addresses the required findings of Section 25-119(d)(1) of the County Code for each variance type being requested.

With regard to specimen trees, it appears that Specimen Tree No. 3 is proposed to be removed. A variance request is required for the removal of this tree. Due to its location, in the middle of a proposed development area and its stated condition as poor, it is acknowledged that the Environmental Planning Section will support a variance for the removal of this tree, but that the variance application can be deferred until application for the associated SDP and TCP2.

Recommended Condition: Prior to certification of the CDP, the TCP1 shall be revised as follows:

- (1) Revise the woodland conservation worksheet to provide on-site a total of the woodland conservation threshold plus the mitigation acreage required for clearing below the woodland conservation threshold, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
- (2) Provide a ten-foot-wide clear access on the sides and to the rear yards of all townhouses and multifamily units.
- (3) Provide the minimum required widths and areas for preservation and afforestation areas.
- (4) Meet the requirements of the Environmental Technical Manual with regard to standard notes.
- (5) Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
- (6) Eliminate woodland conservation from proposed ultimate rights-of-way and easements.
- (7) Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
- (8) Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
- (9) Revise the woodland conservation worksheet to reflect all of the revisions included above.
- (10) Have the revised TCP1 signed and dated by the qualified professional who prepared it.

Recommended Condition: A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.

- f. The TCP1 shows many afforestation/reforestation areas proposed within the limits of stormwater management easements. The requirements for landscaping of stormwater management ponds are far less stringent than woodland conservation stocking requirements. In addition, planting within the limits of the stormwater management easement is subject to approval of the Department of Public Works and Transportation. The TCP2 appear to have been revised to eliminate known areas of conflict such as on and near the embankment of stormwater management ponds.

Recommended Condition: Prior to signature approval of any TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved site development stormwater management plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the DPW&T with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by DPW&T or the Soil Conservation District.

- g. Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or letter of exemption. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy.

The subject application will be able to meet the tree canopy coverage (TCC) requirement by using the woodland conservation area (woodlands within the 100-year floodplain may be counted toward meeting the tree canopy coverage requirement).

A TCC schedule shall be placed on the TCP1, and all future TCP2s indicating how the tree canopy coverage for the subject application is being fulfilled.

Recommended Condition: Prior to certification approval, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.

Recommended Condition: All future SDPs and associated TCP2s shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

- h. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, and Leonardtown series. Beltsville soils are highly erodible, have perched water tables and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. DPW&T may require a soils report in conformance with County Council Bill CB-94-2004 during the permit review process.
- i. Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

Transportation-related noise impacts associated with US 301 and the internal arterial roadway may require mitigation to meet State of Maryland noise standards for residential uses. Residential uses or outdoor activity areas that are proposed within the 65 dBA Ldn noise contour or higher will require mitigation.

Crain Highway (US 301) is an existing source of traffic-generated noise and a master-planned freeway. Because the R-M-zoned portion of the site is located directly adjacent to Crain Highway, transportation-related noise impacts are anticipated whenever residential uses are proposed within the 65 dBA Ldn noise contour. It should be noted that Subdivision Regulations require that residential development adjacent to a freeway provide a minimum lot depth of 300 feet, which will provide some mitigation from noise impacts.

Comment: Staff recommends that residential structures should be subject to a building restriction line to help mitigate noise impacts.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along both sides of Mattawoman Drive must be evaluated in relation to noise impacts. It should be noted that Subdivision Regulations require that residential development adjacent to an arterial provide a minimum lot depth of 150 feet, which will provide some mitigation from noise impacts.

Comment: Staff recommends that residential structures should be subject to a 50-foot-wide building restriction line to help mitigate noise impacts.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts to proposed residential areas in the R-M Zone along the northern and southern sides of Mattawoman Drive.

The conclusion of the noise study (p. 14) indicates, in part, that “Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers.”

The TCP1 and CDP have been revised to show the location of all unmitigated noise contours 65 dBA Ldn or greater adjacent to roads classified as arterials or higher, and to show conceptually how noise mitigation will be provided.

- j. The delineated noise contours show a high level of impacts (70–75 dBA Ldn) to the residential structures proposed adjacent to Mattawoman Drive. The next level of townhouses, located further from Mattawoman Drive between the 70 and 65 unmitigated dBA Ldn noise contour, will benefit from the noise blocking affect of the closer rows of residential structures. The noise study indicates the following:

“For (noise) impacts between 68 and 76 dBA Ldn, brick exterior facades, resilient channel and/or multiple layers of drywall on interior walls, and windows and doors with relatively high STC ratings (up to 40 STC depending on the

amount of windows/doors per room) may be required.”

Because of the proximate location of the proposed townhouses to the arterial roadway, with no options for mitigation through site planning, a Phase II noise study was required with the CDP to identify what noise mitigation design and construction measures would be required to allow the placement of residential structures in this noise impacted area. Residential structures within the 65 dBA Ldn or higher noise contours will need to address methods to reduce interior noise levels to 45 dBA Ldn or less. Outdoor activity areas should not be placed within any contour of 65 dBA Ldn noise or greater. If they are to be placed within these areas, mitigation will be required. It was suggested during the initial review of the CDP that an alternate layout of uses at the time of CDP may be necessary to move residential uses out of the area of high noise levels.

A preliminary Phase II noise analysis was submitted with the current application (Phoenix Sound and Vibration, LLC; July 13, 2010). The preliminary Phase II noise analysis was conducted to determine the effects of site plan modifications proposed in relation to mitigated noise levels throughout the site.

In the R-M Zone, residential structures facing onto the frontage of the arterial roadway are proposed on both sides of Mattawoman Drive, except for a small section of single-family detached homes with rear yards oriented to the arterial roadway. All of these proposed residential uses are proposed within the 65 dBA Ldn or higher noise contour.

Acceptable noise levels for outdoor activity areas are considered to be 65 dBA Ldn or less. For the residential structures facing onto Mattawoman Drive, the structure may provides sufficient noise mitigation for the rear yard, the exceptions being where sticks of townhouses or two-family attached dwelling units are placed perpendicular to Mattawoman Drive. In this case, their rear activity areas are not shielded and additional mitigation measures, such as walls, may be required to provide shielding for outdoor activity areas.

Also of concern is the ten-foot-high berm proposed to mitigate noise impacts for the rear yards of single-family detached houses located between Road K and Road M. The introduction of a berm in this location is incongruous with the streetscape presented along the length of Mattawoman Drive. It is strongly recommended that either the house type in this area be revised to provide a consistent frontage along Mattawoman Drive or the dwelling units located in this short segment of the road face towards the street removing the need for a berm in this location.

Along the US 301 right-of-way, the Phase I noise study proposes the construction of a 25-foot-high berm to mitigate noise impacts for dwellings within the 65 dBA Ldn noise contour or greater. These include townhomes, multifamily units, and detached single-family dwellings. At the northern end of the berm, adjacent to Lot 118, a noise barrier is proposed to extend mitigation beyond the end of the graded berm.

While this berm is effective as a noise mitigation measure, there are many concerns related to the proposal and the design. During the review of the preliminary plan, issues related to the proposed layout of the lots and structures in relation to the noise barrier should be addressed. During the review of specific design plans, issues regarding the aesthetics and materials of the barriers proposed should be addressed.

As part of the specific design plan for the residential units in the R-M Zone, a final Phase II noise study shall be submitted for review. The Phase II noise study should address how noise impacts to the residential units located in the R-M Zone will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design.

The approval of architecture at the time of SDP should also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the final Phase II noise report for interior residential uses.

Recommended Condition: At the time of any associated specific design plan application for residential units in the R-M Zone, a final Phase II noise study shall be submitted for review. The Phase II noise study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at the time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.

Recommended Condition: Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

- k. Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow by minimizing the spill-over of light from one property to the next and a reduction of glare from light fixtures. This is of particular concern on a mixed-use site such as the subject application, because the residential uses could be directly impacted by lighting from the other uses. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas.

The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development.

Recommended Condition: All 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 Environmental Planning Section’s suggestions have been incorporated, as appropriate, into the recommendation section of this technical staff report.

Zoning Review Section—In undated comments, the Zoning Review Section stated that the comprehensive design plan appears to be consistent with the approved basic plan.

The Department of Public Works and Transportation (DPW&T)—In a memorandum dated November 25, 2009, DPW&T offered the following with respect to DPW&T-maintained roadways:

- a. Proposed Mattawoman Drive, an arterial roadway (A-63), as shown on the area master plan, lies within the proposed subdivision. Right-of-way dedication and roadway improvements for proposed A-63 along the frontage of the property, designed in accordance with DPW&T specifications and standards, are required.
- b. The proposed arterial roadway, (A-55, as shown on the area master plan) lies within the proposed subdivision. Right-of-way dedication and roadway improvements for proposed A-55 along the frontage of the property, in accordance with DPW&T's specifications and standards, are required.
- c. This development is also located along the southern side of Short Cut Road, a proposed industrial and commercial roadway (I-503), as shown on the area master plan, extended within the proposed subdivision. Right-of-way dedication and roadway improvements for Short Cut Road (I-503) along the frontage of the property, in accordance with DPW&T's requirements, are required.
- d. This subdivision will generate considerable traffic and it will require upgrading the infrastructure within the vicinity. Therefore, a fee-in-lieu contribution in the amount of \$1,500 per lot should be imposed to improve the county roadways and bridges. The fee-in-lieu should be paid to the county for road improvements and will be required prior to the release of their building permits.
- e. All improvements within the public rights-of-way, as dedicated for public use to the county, are to be designed in accordance with the County Road Ordinance, DPW&T specifications and standards, and the Americans with Disabilities Act (ADA).
- f. Full-width, two-inch mill and overlay for all existing county roads, as determined by DPW&T, is required for Short Cut Road, Mattawoman Drive, and Matapeake Business Drive.
- g. Compliance with DPW&T Utility Policy is required. Proper temporary and final patching and related mill and overlay in accordance with the established DPW&T's Policy and Specification for Utility Installation and Maintenance Permits are required.
- h. Culs-de-sac are required to allow, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering the turning movement, it is assumed parking is provided on the outside edge or radius of the cul-de-sac.
- i. Sidewalks are required along the roadway frontages in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- j. Any proposed and/or existing master plan roadways (I-503, F-10, and A-63) and trails that lie within the property limits must be addressed through coordination between The Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T, and may involve rights-of-way reservation, dedication, and/or construction in accordance with DPW&T specifications and standards. All road realignment and vacation must be

coordinated with DPW&T.

- k. Adequate sight distance in accordance with The American Association of State Highway Transportation Officials (AASHTO) standards for all proposed access points within the site must be provided. All roadway sections and curves should be designed in accordance with DPW&T standards and specifications. Roundabouts along an arterial road are not acceptable unless warranted. All culverts are to be designed to handle the 100-year frequency storm runoff.
- l. All storm drainage systems and facilities are to be designed in accordance with DPW&T specifications and standards.
- m. Conformance with DPW&T's street tree and lighting specifications and standards is required.
- n. The plan is consistent with approved DPW&T Stormwater Management Concept Plan No. 11355-2009, dated May 29, 2009.
- o. A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets and proposed buildings, is required.

DPW&T requirements will be implemented through their separate permitting process.

State Highway Administration (SHA)—In a letter dated June 8, 2010, SHA stated that their State Highway Location Reference Guide indicates that MD 5/US 301 and MD 381 (Brandywine Road) are state-owned and maintained roads. Further, they stated that the posted speed limit on MD 5/US 301 is 55 MPH and the annual average daily trip (AADT) volume at this location is 31,960 vehicles per day. The posted speed limit on MD 381 is 30 MPH and the AADT volume at this location is 10,241 vehicles per day. SHA offered the following comments particularly about the subject project:

- a. Access points are proposed from the county master-planned roadways. Any work within the SHA right-of-way will require an access permit, subject to SHA review and approval.
- b. Review and approval by SHA Highway Hydraulic Division will be required in order to issue an access permit because the plan proposes on-site stormwater management facilities that appear to tie-in or outfall within the SHA right-of-way.
- c. SHA will require dedication of right-of-way per the master plans of Prince George's County.

Additionally, the US 301 Access Management Team of the SHA Office of Planning and Preliminary Engineering offered the following:

The SHA Waldorf Area Transportation Improvements Project Team has evaluated numerous alignment options in the area of the proposed project.

The proposed development is impacted by the US 301 Eastern Waldorf Bypass alternative, known as "Timothy Branch Option 4." Though SHA provided marked-up plans of the bypass, they stated that, due to current fiscal limitations, SHA's ability to preserve the alignment through protective property purchases is limited. Therefore, SHA urged the developer to pursue a

reservation of the impacted area with Prince George's County to provide time for a selected alternative to be chosen. If this development proceeds as shown, it will severely impact SHA's ability to complete NEPA (The National Environmental Policy Act) studies to improve capacity within the US 301 corridor. Therefore, their project team recommended that no permanent structures be built in the area of the proposed Eastern Bypass alignment. However, the construction of Metapeake Business Park Drive Extension, across the proposed US 301 eastern bypass alignment right-of-way as understood by SHA, would be acceptable within the SHA specified 70-foot right-of-way.

Prince George's County Fire/EMS Department—In a memorandum dated November 25, 2009, the Prince George's County Fire/EMS Department offered information on required access for fire apparatuses, private road design, and the location and performance of fire hydrants.

The Prince George's County Board of Education—In a transmittal received November 17, 2009, the Prince George's County Board of Education indicated that they would not be commenting on the subject project.

11. Prior to approving a comprehensive design plan, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

Comment: The plan is found to be in conformance with approved Basic Plan A-9987. Please see for a more detailed discussion of that conformance.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

Comment: The subject application would result in a development with a better environment than could be achieved under other regulations because of plan improvements such as the open space elements that provide useable open space not associated with other regulated lands such as steep slopes, 100-year floodplain, wetland, stormwater management, parking lots, and the land that is accessible to the future residents. Further, the plan proposes a master-planned hiker-biker-equestrian trail which will follow the Timothy Branch Stream Valley, as it runs through the entire length of the development. Neighborhood pedestrian paths are proposed throughout the development to connect the stream valley trail to the public sidewalk system.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

Comment: The subject project includes design elements and provides recreational facilities and amenities for the project's residents including the provision of open space, special attention to

protecting environmental features, attention to views and an enhanced multimodal pedestrian system throughout the subdivision, and a generous private recreational facilities package within each pod of development including either a recreational facility or center providing a central focal point for each of the five residential communities.

(4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;

Comment: The subject project is compatible with the residential existing land use and zoning across the Timothy Branch stream valley to the east of the subject project. At the junctures where the subject residential project is directly adjacent to, or directly across Mattawoman Drive from commercially or industrially-used or -zoned land is more problematic. Several recommended conditions below would provide design changes to the subject comprehensive design plan that would make the interface between commercial/industrial and residential, in this case, less adverse. These measures include:

- Providing an access from Short Cut Road directly to Parcel E, so that trucks and other vehicles could be routed in that northerly direction rather than directly onto Mattawoman Drive, then either northeasterly or southwesterly through the subject development.
- Relocate the access to Residential Pod 1 to the southwesterly corner of that pod's frontage along Mattawoman Drive, so that it is offset from the center of Parcel E and will have a view into the environmentally sensitive portion of the parcel rather than or into the center of the site.
- Provide additional berming, landscaping, and setback wherever residential land use is located directly adjacent to commercially or industrially-used or -zoned land. Section 4.7 of the *Prince George's County Landscape Manual* may be used as a guide, but its requirements should be increased if warranted at the time of specific design plan as this is a comprehensive design zone where design is supposed to result in a development with a better environment than could be achieved under other regulations.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

Comment: The building coverage and open space is more or less consistent through the area covered by the comprehensive design plan. Regarding building coverage, a condition has been recommended setting maximum lot coverage for two-family attached, single-family attached, and multifamily unit types, which will ensure that appropriate open space is provided for each of these land use types. Additionally, staff has recommended that the multifamily residential pod be redesigned to move residential structures out of the noise (65–75) contours if possible and provide for recreational areas in a designed open space central to the building cluster. This will allow a large group of residents, who may not have private outdoor open space, to have access to outdoor areas least affected by the negative impacts of the adjacent arterial, Mattawoman Drive, and the freeway, US 301. For both of these reasons, it may be said that the land use and facilities covered by the comprehensive design plan will be compatible with each other in relation to amounts of building coverage and open space.

(B) Building setbacks from streets and abutting land uses; and

Comment: Staff recommends the standards apply to the development which is largely consistent with the applicant's proposal:

RESIDENTIAL USES—R-M ZONE¹

	One-family detached 6,000 sq.ft.	Two-family attached	Single-family semidetached ^{8,9}	Single-family attached ^{3,8,9}	Multifamily
Minimum Net Lot Area	6,000 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	44.4	19.5 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

Staff believes that the setback along Mattawoman Drive should be a uniform 50-foot building restriction line to separate the residential use from the right-of-way. The front yard setback for all residential dwelling types should be a uniform 50 feet. A uniform streetscape setback will further enhance the appearance of the community and reduce the incompatibility between the residential land use and the proximity of an arterial.

(C) Circulation access points;

Comment: Land uses and facilities included in the plans will generally be compatible with each other in relation to circulation access points if the following changes are made to the design:

- a. The access to Residential Module 1 should be shifted southward so as not to be directly across from the industrial use currently located directly opposite the access.
- b. A vehicular outlet to Shortcut Road is provided across the subject property from the industrial use on Parcel E.
- c. A vehicular outlet from Parcel E to Mattawoman Drive is not included in the plans.

A condition below would accomplish this redesign prior to signature approval.

- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

Comment: The subject property is proposed to be built in a continuous phase of development with the construction of the commercial and employment components commencing once there is a base of residential uses, specifically 226 total units within CDP-0901 and CDP-0902, as described by the applicant.

The Department of Parks and Recreation (DPR) has recommended appropriate timing for construction of the off-site recreational facilities. Specifically, the applicant shall provide, to DPR for review and approval, construction drawings and specifications for the Phase 1 recreational facilities and related stormwater facilities in Brandywine Area Community Park prior to the issuance of 20 percent of the residential building and multifamily unit permits and construct the Phase 1 recreational facilities prior to the issuance of 50 percent of the residential building and multifamily unit permits for the entire Timothy Branch project, including CDP-0901 and CDP-0902:

Regarding the on-site recreational facilities, the applicant proposes that the facilities will be permitted along with the building permits for the adjacent residential development within the same block. This wording does not provide a specific directive of timing; therefore, staff recommends the following phasing which relates to the phasing of the residential units within CDP-0902.

CDP-0902 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Community building and swimming pool	Prior to the issuance of any residential unit permits	Complete before 50% of the residential unit permits
2,500 sq. ft. tot-lot	Prior to the issuance of any residential unit permits	Complete before 25% of the residential unit permits
5,000 sq. ft. per teen	Prior to the issuance of any residential unit permits	Complete before 25% of the residential unit permits
3-7,500 sq. ft. multiage	Prior to the issuance of any residential unit permits	Complete before 25% of the residential unit permits
20,000 sq. ft. Open play area	Prior to the issuance of any residential unit permits	Complete before 75% of the residential unit permits
Timothy Branch Stream Valley Trail (12' wide) (approx. 5,600 L.F.)	Prior to the issuance of any residential unit permits	Complete before 50% of the residential unit permits
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

Comment: In a memorandum dated January 6, 2010, the Special Projects Section of the Countywide Planning Division stated that the staging of development will not be an unreasonable burden on available public facilities. They based this statement on a careful review of police facilities, fire and rescue services, schools in the area, and the applicable water and sewer category with respect to the proposed design program for the development.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

Comment: The proposed plan does not propose an adaptive re-use of a historic site.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

Comment: The plan incorporates the applicable design guidelines for site plans (Section 27-274) and those for the construction of townhouses (Section 27- 521(a)(11)) of the Zoning Ordinance.

- (10) **The Plan is in conformance with an approved Tree Conservation Plan;**

Comment: In a memorandum dated August 16, 2010, the Environmental Planning Section recommended approval, with conditions, of TCP1-151-90-01. If those conditions are adopted as part of this approval, as recommended below, it may be said that the project is in conformance with an approved tree conservation plan.

- (11) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Comment: The subject property was not placed in a comprehensive design zone pursuant to Section 27-226(f)(4) of the Zoning Ordinance.

- (12) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

Comment: The Villages at Timothy Branch project is not part of a Regional Urban Community.

RECOMMENDATION

Based on the foregoing evaluation and analysis, Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-0902, Variance VD-0902, to allow an additional 9.5 percent in multifamily units (for a total of 208 multifamily units) and 4.4 percent in townhouse units (for a total of 368 townhouse units), and Type 1 Tree Conservation Plan TCP1-151-90-01, with the following conditions:

1. All conditions of approval of Basic Plan A-9988 shall remain in full force and effect.
2. Total development of the overall site shall be limited to uses that would generate no more than 710 AM and 819 PM trips within the R-M Zone. Any development generating an impact greater than that identified herein above shall require an amendment to the appropriate CDP with a new review of the finding associated with Section 27-521(a)(7).
3. A minimum 50 foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the specific design plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway
4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP.
5. Prior to certificate of approval of the subject comprehensive design plan:
 - a. Show the proposed transit alignment and indicate that it is for future acquisition by the Maryland Transit Administration (MTA).
 - b. Indicate a potential access connection between the exiting warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.
 - c. The plans shall be amended to show trails no less than 20 feet from all private residential lot lines and/or 25 feet from all residential dwellings, excluding where trails connect with the internal road network. The final trail location shall be reviewed at the time of SDP.

- d. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Variations to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE¹

	One-family detached	Two-family attached	Single-family semidetached ^{8,9}	Single-family attached ^{3,8,9}	Multifamily
Minimum Net Lot Area	6,000 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Maximum building setback from Robert Crain Highway (US 301)	TBD ¹¹	TBD ¹¹	TBD ¹¹	TBD ¹¹	200 feet
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	44.4	19.5 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed under Part 11 of the Zoning Ordinance.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

⁴ This percentage is for building coverage (and not for lot coverage) of the overall net tract area

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

¹⁰ To be developed as condominiums and as an active adult community, per A-9988.

¹¹ The minimum building setback for one-family detached, two-family detached, single-family semidetached and single-family attached from Robert Crain Highway (US 301) shall be determined at the time of preliminary plan review.

ACCESSORY BUILDINGS—R-M ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line (along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line (along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet
Note: No accessory building shall be located closer to the street line than the main building.	

- e. A note shall be added to the plans and the comprehensive design plan document shall be revised to include a note stating that the requirements of Section 4.7 of the *Prince George's County Landscape Manual* shall be used as a starting point or minimum for the provision of an adequate separation between incompatible uses, at the perimeter of the site. The requirement may be increased as necessary so as to ensure compatibility between incompatible uses at the time of approval of the specific design plan.
- f. The applicant shall revise the plans in accordance with the following:
 - (1) The access to Residential Module 1 from Mattawoman Drive, currently located directly across Mattawoman from Parcel E, currently a warehouse use, should be shifted southward to avoid views directly into warehouse and re-direct the views of future residents into the environmental features on the undeveloped westerly side of Parcel E.
 - (2) A vehicular outlet from Parcel E should be provided from its northwesterly boundary across R-M zoned land that is part of the subject project to Shortcut Road so that trucks and other industrially-related traffic need not access Parcel E from Mattawoman Drive.
- g. The following Architectural Design Parameters shall apply and be revised in the CDP text:
 - (1) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls shall be brick, stone or stucco.
 - (2) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 100 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors).
 - (3) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim).

- (4) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.
- (5) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.
- (6) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive or Matapeake Business Drive shall be faced with 100 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors).
- (7) A minimum of 60 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.
- (8) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall have additional architectural features creating a well-balanced composition, as deemed appropriate by Urban Design staff.
- (9) Townhouse units shall have a height limit of 45 feet. Two-family attached buildings shall have a height limit of 55 feet. Multifamily buildings shall have a height limit of 80 feet in the R-M Zone.
- (10) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.

6. Prior to certificate approval of the comprehensive design plan, the TCP1 shall be revised as follows:

- a. Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site;
- b. Provide for the 1.73 acres of off-site woodland conservation being provided on this site in the worksheet and on the TCP1 plan; Revise the woodland conservation worksheet to provide on-site a total of the woodland conservation threshold plus the mitigation acreage required for clearing below the woodland conservation threshold, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
- c. Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.
- d. Provide the minimum required widths and areas for preservation and afforestation areas.
- e. Meet the requirements of the Environmental Technical Manual with regard to standard notes.

- f. Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - g. Eliminate woodland conservation from proposed ultimate rights-of-way and easements.
 - h. Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
 - i. Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
 - j. Revise the woodland conservation worksheet to reflect all of the revisions included above.
 - k. Have the revised TCP1 signed and dated by the qualified professional who prepared it.
7. Prior to the approval of a specific design plan, a Site Development Plan for Stormwater Management shall be submitted that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques to the fullest extent practicable.
 8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.
 9. Prior to certificate approval of the CDP, the TCP1 shall be revised to conform to the ultimate right-of-ways for the CDP as determined by the Transportation Planning Section based on the Subregion 5 Master Plan, the Master Plan of Transportation, and the US 301 Upgrade Option. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.
 10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.
 11. If, revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.
 12. Prior to acceptance of any SDP package for review, it shall be evaluated to ensure that it contains a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP.
 13. Prior to the approval of a TCP2, the plan shall show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site.

14. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.
15. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.
16. Prior to certification approval, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.
17. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.
18. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.
19. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
20. All 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 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.”

21. The applicant and the applicant’s heirs, his successors, and/or assignees shall provide off-site public recreational facilities at the Brandywine Area Community Park in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
22. Prior to the issuance of 50 percent of the residential building permits within CDP-0901 and CDP-0902, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park as conceptually shown on Exhibit B, which includes a softball and soccer field, a 65-space parking lot, and an access road from Missouri Avenue.

23. Prior to the issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including single-family and multifamily units, the applicant shall provide to the Department of Parks and Recreation (DPR), for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities in the Brandywine Area Community Park.
24. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area community Park.
25. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
26. The applicant shall be responsible for tree mitigation required for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park and it shall be provided on-site and/or off-site on parkland.
27. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to the Department of Parks and Recreation for their approval three weeks prior to the submission of a final plat. Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
28. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be required at least two weeks prior to applying for building permits.
29. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
30. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.

31. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. The RFA shall include the following phasing of the amenities:

CDP-0902 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Community building and swimming pool	Prior to the issuance of any residential unit permits	Complete before 50% of the residential unit permits
2,500 sq. ft. tot-lot	Prior to the issuance of any residential unit permits	Complete before 25% of the residential unit permits
5,000 sq. ft. per teen	Prior to the issuance of any residential unit permits	Complete before 25% of the residential unit permits
3-7,500 sq. ft. multiage	Prior to the issuance of any residential unit permits	Complete before 25% of the residential unit permits
20,000 sq. ft. Open play area	Prior to the issuance of any residential unit permits	Complete before 75% of the residential unit permits
Timothy Branch Stream Valley Trail (12' wide) (approx. 5,600 L.F.)	Prior to the issuance of any residential unit permits	Complete before 50% of the residential unit permits
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

32. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be required at least two weeks prior to applying for building permits.
33. The developer and his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.
34. Provide a minimum eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the future alignment of A-55 in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

35. At the time of SDP, the plans shall identify the location of median refuge islands along the entire length of Mattawoman Drive per DPW&T standards and with AASHTO guidance. The exact locations and details and specifications will be determined at the time of SDP.
36. Provide four-foot-wide sidewalks along both sides of all internal residential roads (excluding alleys).
37. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.
38. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.
39. Provide a minimum twelve-foot-wide master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch Stream Valley.
40. Any trail connectors on homeowners association land to the Timothy Branch trail shall be a minimum of six feet wide and asphalt.
41. Provide way-finding and trail signage in conjunction with the Timothy Branch trail and related connections. Provide details of this signage in accordance with AASHTO guidance at the time of specific design plan review including the location of signage. This signage can be tailored to the development and provide way finding to the commercial areas or nearby destinations. At a minimum, way-finding signage should indicate the direction of the Brandywine Area Community Park to the north of the subject site and the Rose Creek Connector trail to the south of the site.
42. Show bicycle parking spaces on the specific design plan at the recreational facilities and in the community buildings. These spaces should be located near the front entrances to the buildings and have access to bikeway and trail facilities.
43. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A 70-foot industrial cul-de-sac extending southward from Short Cut Road to serve the Schraf, Meinhardt, and M&M Joint Venture properties as shown on the CDP.
44. The applicant and/or the applicant's heirs, successors, or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study:
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections. The elimination of left turns at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties at some time in the future) shall be more fully addressed in the preliminary plan condition.

- b. A northbound left-turn lane along US 301 at Mattawoman Drive.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.
45. 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 \$1.41 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.
46. The R-M portion of the CDP shall be modified to indicate that the portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.