



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

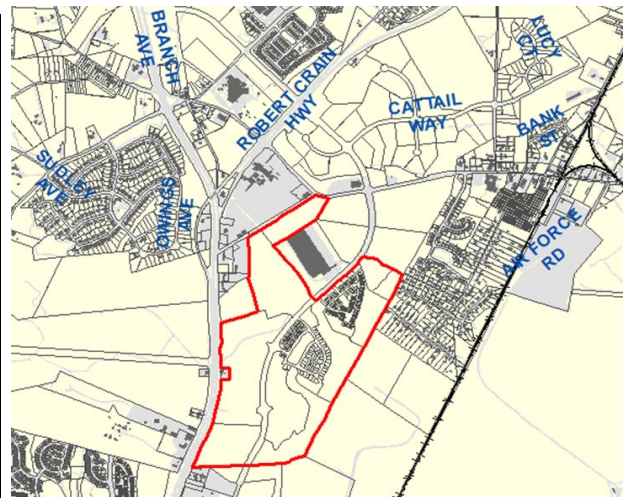
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Comprehensive Design Plan The Villages at Timothy Branch

CDP-0902-01

REQUEST	STAFF RECOMMENDATION
Amendments to residential development standards and the recreational facilities.	APPROVAL with conditions

Location: On the east side of US 301 (Robert Crain Highway), southeast of its intersection with MD 381 (Brandywine Road).	
Gross Acreage:	261.75
Zone:	R-M/M-I-O
Dwelling Units:	1,069
Gross Floor Area:	N/A
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	218SE07, 219SE07, 220SE07, 2018SE08 and 2019SE08
Applicant/Address: Timothy Branch, Inc. 2124 Priest Bridge Drive, Suite 18 Crofton, MD 21114	
Staff Reviewer: Adam Bossi Phone Number: 301-780-8116 Email: Adam.Bossi@ppd.mncppc.org	



Planning Board Date:	04/23/2020
Planning Board Action Limit:	04/24/2020
Staff Report Date:	04/07/2020
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Table of Contents

EVALUATION CRITERIA	3
FINDINGS	3
1. Request	3
2. Development Data Summary	4
3. Location	4
4. Surrounding Uses	4
5. Previous Approvals.....	5
6. Design Features	5
COMPLIANCE WITH EVALUATION CRITERIA	6
7. Zoning Map Amendment A-9987	6
8. Prince George’s County Zoning Ordinance.....	7
9. Comprehensive Design Plan CDP-0902.....	10
10. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance.....	14
11. Referral Comments	14
RECOMMENDATION	15

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-0902-01
The Villages at Timothy Branch

The Urban Design Section has completed its review of the subject application and agency referral comments concerning the Comprehensive Design Plan CDP-0902-01 and recommends APPROVAL with conditions as stated in the Recommendation section of this report.

EVALUATION CRITERIA

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9987-C.
- b. The requirements of Comprehensive Design Plan CDP-0902.
- c. The requirements of Part 8, Division 2, Subdivision 5, of the Zoning Ordinance governing development in the Residential Medium Development (R-M) Zone; Part 8, Division 4, governing the approval of a Comprehensive Design Plan, and Military Installation Overlay (M-I-O) Zone.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinances.
- e. Referral comments from concerned agencies and divisions.

FINDINGS

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

1. **Request:** The application requests amendments to certain residential development standards and recreational facilities of the previously approved comprehensive design plan (CDP).

2. Development Data Summary:

	PREVIOUSLY APPROVED	PROPOSED
Zone(s)	R-M/M-I-O	R-M/M-I-O
Use(s)	Residential	Residential
Gross Acreage	262	261.75
Acreage in the 100-year floodplain	38	38
Adjusted gross acreage (minus 50% floodplain)	243	242.75
Number of Dwelling Units	1,069	1,069

OTHER DEVELOPMENT DATA—Dwelling Units by Housing Types

Dwelling Types	PREVIOUSLY APPROVED		PROPOSED	
	Approximate % of Total Units	Number of Units	Approximate % of Total Units	Number of Units
R-M Zone				
Single-family Detached	9.45	101	17.7	189
Townhouses	34.42*	368	47.4*	507
One-Family Semi-Attached Duplex	7.48	80	5.4	58
Two-Family Attached (Two-Over-Twos)	29.18	312	6.7	72
Multifamily	19.45**	208	22.7**	243
Total Units in the R-M Zone	99.98 or approximately 100%	1,069	99.9 or approximately 100%	1,069

Notes: *Not to exceed 50 percent
 **Not to exceed 25 percent

- 3. Location:** The subject property is located on the east side of US 301 (Robert Crain Highway), southeast of its intersection with MD 381 (Brandywine Road), in Planning Area 85A, Council District 9.
- 4. Surrounding Uses:** This portion of the Villages at Timothy Branch development is zoned Residential Medium Development (R-M) and is bounded to the north by an existing warehouse in the Planned Industrial/Employment Park (I-3) and Employment and Institutional Area (E-I-A) Zones, the Local Activity Center (L-A-C) zoned portion of the Timothy Branch development and Brandywine and Shortcut Roads. The Timothy Branch stream valley bounds the subject site to the east. US 301 and a single, developed property zoned Commercial Miscellaneous and vacant land in the I-3 Zone bounds the western portion of the site. To the south, vacant land and light industrial uses in the

Mixed Use-Transportation Oriented and Commercial Shopping Center Zones borders the subject site.

5. **Previous Approvals:** The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the Rural-Residential Zone to the I-3 and E-I-A 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-C, approved by the Prince George's County District Council on June 6, 2008, rezoned the property from the I-3 and E-I-A Zones to the R-M Zone.

On October 7, 2010, the Prince George's County Planning Board approved CDP-0902 (PGCPB Resolution No. 10-110) for the R-M-zoned portion of the Timothy Branch development. The District Council affirmed this decision on November 4, 2013. The Planning Board approved a reconsideration of Conditions 20-27 on March 19, 2015 (PGCPB Resolution No. 10-110(A)), to adjust findings and conditions related to the provision of off-site recreational facilities. Variances were also approved with the CDP to allow for a maximum of 50 percent of dwelling units to be townhouses and a maximum of 25 percent of dwelling units to be multifamily.

On October 28, 2010, the Planning Board approved Preliminary Plan of Subdivision PPS 4-09003 (PGCPB Resolution No. 10-117(A/1)), which provided for the creation of 580 lots, 68 parcels to support the development of up to 1,200 dwelling units. It was later reconsidered twice.

On October 23, 2014, the Planning Board approved Specific Design Plan SDP-1304 (PGCPB Resolution No. 14-116) for rough grading and development of basic infrastructure, as well as dedication and construction of Mattawoman Drive, in the R-M and L-A-C zoned areas of the Timothy Branch development.

On September 14, 2017, the Planning Board approved Specific Design Plan SDP-1701 (PGCPB Resolution No. 17-119) for the first phase of development of Timothy Branch. A total of 323 dwelling units were approved for development within residential pods RM-1 and RM-2. The first amendment to this SDP was approved by the Planning Board on July 12, 2018 and provided for an increase in maximum lot coverage and for the approval of architectural modifications. The second revision, SDP-1701-02 added architecture for two new home models.

6. **Design Features:** The approximately 262-acres of land comprising this CDP includes Mattawoman Drive extended, a six-lane arterial classification roadway, which will provide a diagonal southwestern to northeastern spine through the development with five residential pods grouped on either side. These pods are referred to as RM-1 through RM-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. Multifamily units are in the most southwesterly portion of the development (RM-5). The residential dwelling types in the central pods (RM-1, RM-2, RM-3 and RM-4) of the development, on either side of Mattawoman Drive, include single-family detached, single-family semidetached (duplex), single-family attached (townhouses), and two-family attached (two-over-twos). 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.

All of these features were included in the CDP as originally approved and remain unchanged. Amendments provided in CDP-0902-01 are summarized as follows: relocation of a playground and change in phasing schedule for recreational facilities; revisions to residential development standards and adjustment to quantities of proposed residential unit types.

On-site private recreation facilities provided in the original approval of CDP-0902 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.

This amendment requests to relocate one 7,500-square-foot multi-age playground from its approved location in residential development pod RM-5 to RM-4. The applicant has proposed to provide separate private recreation facilities for the multifamily development in RM-5. These facilities would be provided in addition to those listed above. Staff believes this requested amendment is reasonable if recreation facilities are provided within RM-5 for the use of those residents. A condition of approval to address this point has been included in the Recommendation section of this report.

This amendment requests to revise the quantities of unit types to be provided, while maintaining adherence to the total number and percentage limitations of the mix of units previously approved. Staff supports this requested amendment as it does not alter the Planning Board's previous findings of conformance regarding the total quantity and percentage limitations for residential units.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. **Zoning Map Amendment A-9987:** Zoning Map Amendment A-9987-C was approved by the District Council on June 6, 2008. One condition is relevant to this CDP amendment, as follows:

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-Permitted Dwelling Unit Range:	3.6–5.7 dwelling units per 874.8-1,385.1 dwelling

Proposed Land Use Types and Quantities:

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

The approved CDP proposed 1,069 residential units, or approximately 4.4 units per acre. This proposed density is within ranges approved in the basic plan and includes the uses prescribed by the Basic Plan. The amendments requested by the applicant do not change this finding. All relevant findings and recommendations provided by the approved CDP relative to A-9987-C, remain unchanged.

- 8. Prince George’s County Zoning Ordinance:** As one of the comprehensive design zones, the R-M Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval. The subject application has been reviewed for compliance with the requirements in the R-M and Military Installation Overlay (M-I-O) Zones of the Zoning Ordinance
- a. **Military Installation Overlay Zone:** A portion of the subject site is located within the Noise Impact Zone (60-74 dBA noise contour) of the M-I-O Zone. At the time of SDP, a Phase II noise study is required for areas within the noise contour, and plans will be evaluated for conformance with Section 27-548.55 Requirements for Noise.
 - b. **Sections 27-507 through 27-509:** The Planning Board determined the subject project was found to conform to the requirements of Sections 27-501 through 27-509, except with respect to the maximum allowable percentages of townhouses and multifamily dwellings, for which a variance was previously approved with CDP-0902.
 - c. **Sections 27-179 through 27-198:** The subject project was previously found in conformance with the requirements of Sections 27-179 through 27-198. The requested amendment does not alter these findings.
 - d. Section 27-521(a) of the Zoning Ordinance includes the following required findings for approval of a CDP:
 - (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;

The subject CDP is in conformance with Basic Plan A-9987-C, as discussed in Finding 7 above.

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

The comprehensive design zones provide much greater flexibility in design. Compared with regulations in conventional zones, this development will achieve more green open spaces and amenities that contribute to a better built environment.

(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;

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, which remain unchanged with the subject amendment.

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

The subject amendment does not change the finding of compatibility with existing land use made with the original CDP approval.

(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;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points;**

While the subject amendment proposes changes to the residential development standards, it does not change the building setbacks from streets. It does change the building coverage on each lot, but overall, it does not propose an increase in building coverage of the whole site, as the number of units does not change. No changes are proposed to the circulation access points.

- (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;**

While the subject amendment proposes changes to the phasing of the recreational facilities, the proposed timing is still sufficient in creating an environment of continuing quality and stability.

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

The proposed amendments to residential development standards and recreational facilities will not impact the previous findings relative to public facilities.

- (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;**

The CDP does not involve any adaptive uses. This requirement is not applicable to this application.

- (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);**

The plan is consistent with this requirement by incorporating the applicable site design guidelines in the development standards for the residential dwellings, as previously approved in CDP-0902. No changes are proposed for the townhouse development standards.

- (10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

The development was found to be in conformance with Type 1 Tree Conservation Plan TCPI-151-90-02 at the time of approval of CDP-0902. This amendment has no impact on the previous findings regarding the tree conservation plan.

- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).**

Based on the level of design information shown on the CDP, and the statement of justification that does not request any additional environmental impacts, the amended CDP demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130-(b)(5).

- (12) 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**

Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a comprehensive design zone application as part of a sectional map amendment. This provision is not applicable to the subject application because the property was rezoned to the comprehensive design zone through a basic plan application, not through a sectional map amendment.

- (13) 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.**

This provision is not applicable to the subject application because The Villages at Timothy Branch is not a regional urban community.

- 9. Comprehensive Design Plan CDP-0902:** This application is limited to the amendments described in Finding 6. All previous findings and conditions, except for those modified in this application, remain valid and govern the development of the R-M-zoned section of The Villages at Timothy Branch. The requested amendments alter the previous CDP conditions of approval as follows:

- 5. Prior to certificate of approval of the subject comprehensive design plan:**
- c. Revise the development standard chart in the text and on the plan as follows:**

The following standards shall apply to the development. (Modifications 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
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
Minimum front setback⁵	25	N/A	20 feet	3, 6	7
Minimum side setback⁵	10	N/A	10 feet	6	7
Minimum rear setback⁵	20	N/A	20 feet	6	7
Minimum side setback to street⁵	25	N/A	20 feet	6	7
Maximum residential building height¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by 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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

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

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

This CDP amendment requests to introduce one new development standard requiring a minimum distance between buildings for one-family detached and single-family semidetached dwellings; add two additional footnotes to the development standards table and; amend the following residential design standards, with all other previously approved standards remaining applicable:

	Previously Approved for One-family detached	Proposed for One-family detached
Minimum Net Lot Area	6,000 square feet	5,200 square feet
Minimum frontage at street R.O.W.	60 feet	44 feet
Minimum frontage at Front B.R.L.	60 feet	50 feet
Maximum lot coverage (%)	30 percent for One-family detached; 35 for single-family semidetached	60 percent for both
Minimum side setback	10 feet for One-family detached and single-family semidetached	5 feet for both
Minimum distance between buildings (new)	None	12 feet for One-family detached and single-family semidetached
Minimum side setback to street	25 feet	20 feet
Minimum frontage on cul-de-sac	40 feet	30 feet

The CDP amendment also proposes to revise Footnote 3 to require rear-load garage townhomes to have a minimum 20-foot front yard setback, instead of the previously approved 25 feet, in order to reduce the length of the driveway. In addition, two new footnotes were added on the certified CDP-0902 in accordance with other conditions of approval as follows:

12 At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.

13 A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the 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 others residential product types along US 301 shall be considered in the determination of establishing the building restriction lines.

The applicant requests these amendments to better conform to market demand and ensure consistency with the SDP approvals. These revised standards are designed to provide deeper back yards with reduced lot widths for single-family products, which results in a reduced minimum net lot area. The proposed standards are consistent with other recently approved R-M zoned properties, such as Parkside, Beechtree, and Bevard East. Staff supports the requested amendments.

***[31]24. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:**

CDP-0902 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit
Timothy Branch Stream Valley Trail1 (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development

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.

* “Overall” means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

1 Unless the District Council amends the Basic Plan condition requiring the same

The CDP amendment requests to update the established timing and order to complete construction of the above referenced recreation facilities. Since the CDP was originally approved, the planned phasing for the overall development of Timothy Branch evolved. The requested revision is intended to bring the schedule for providing individual recreation facilities in-line with the development of each residential pod and proposes the following amendments (added text underlined, deleted text strikethrough):

FACILITY	BOND	FINISH CONSTRUCTION
7,500 sq. ft. multiage - RM3 <u>RM4</u>	Prior to the issuance of any residential unit permit within RM3 <u>RM4</u>	Complete by 450th <u>700th</u> overall residential unit permit
20,000 sq. ft. Open play area - RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th <u>650th</u> overall residential unit permit
7,500 sq. ft. multiage - RM5 <u>RM3</u>	Prior to the issuance of any residential unit permit with RM5 <u>RM3</u>	Complete by 1,000th <u>775th</u> overall residential unit permit

The applicant states that the above changes relocate several facilities and the timing for finish of construction. The multi-age playground was moved out of RM5 as the multifamily development will provide its own amenity package. In addition, RM4 will be developed before RM3 due to its proximity to Mattawoman Drive. Staff supports the requested amendments as the number and type of proposed facilities does not change.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** The amendments proposed have no impact on previous findings regarding the site’s conformance with the requirements of both the Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions, which was limited due to the scope of the amendment. The referral comments are included herein by reference, and major findings are summarized, as follows:
 - a. **Community Planning**—In a memorandum dated March 23, 2020 (Greene to Bossi), the Community Planning Division noted that the application conforms to the standards intended to implement the development concept recommended by the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.
 - b. **Transportation Planning**—In a memorandum dated March 30, 2020 (Masog to Bossi), the Transportation Planning Section noted that no significant changes to access or circulation are proposed and that a new traffic study was not required. The change in residential unit mix provided slightly exceeds the trip cap limits established by the original CDP. However, Condition 2 of CDP-0902 allows for the reallocation of trips between the subject R-M-zoned portion of Timothy Branch

(CDP-0902) and the L-A-C-zoned portion (CDP-0901). The applicant presented data to show the intended future trip intensity for the L-A-C area will be significantly lower than provided for in previous approvals. As development densities are modified, trips may be reallocated between these sections of the development provided the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

- c. **Environmental Planning**—In a memorandum dated April 1, 2020 (Finch to Bossi), the Environmental Planning Section recommended approval of the amendment to the CDP. They indicated that based on the level of design information currently shown on the CDP, the application is in conformance the previously approved Type 1 Tree Conservation Plan, TCP1-151-90-02.
- d. **Trails**—In a memorandum dated March 23, 2020 (Smith to Bossi), it was noted that prior approvals for the subject site include conditions related to pedestrian and bicycle transportation facilities. This CDP amendment does not alter the conditions relevant to the alignment, design, or other provisions required for trail, bicycle and other transit facilities.
- e. **Subdivision**—In consultation with Subdivision and Zoning staff, the proposed amendments provided in CDP-0902-01 do not alter the Planning Board’s previous findings and conditions relevant to the PPS.

RECOMMENDATION

Based upon the preceding evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-0902-01, for The Villages at Timothy Branch, subject to conditions as follows:

1. Prior to certificate approval of this comprehensive design plan (CDP), the applicant shall provide a note on the CDP stating:

“Private recreation facilities are to be provided in the multifamily RM-5 development, in addition to the eight facilities included in this CDP approval.”
2. All previous conditions of approval of Comprehensive Design Plan CDP-0902 remain applicable, except as specifically modified herein.

ITEM: 5

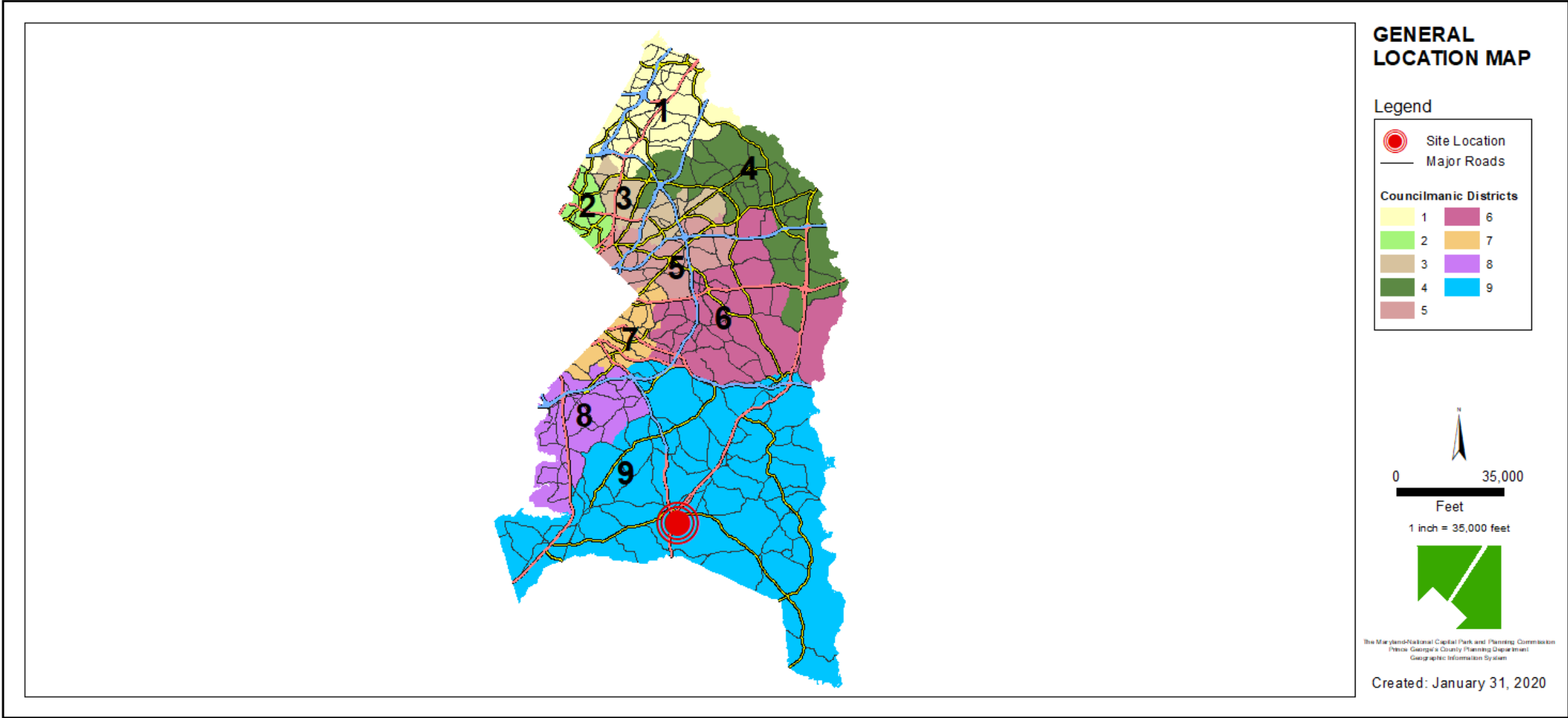
CASE: CDP-0902-01

VILLAGES AT TIMOTHY BRANCH

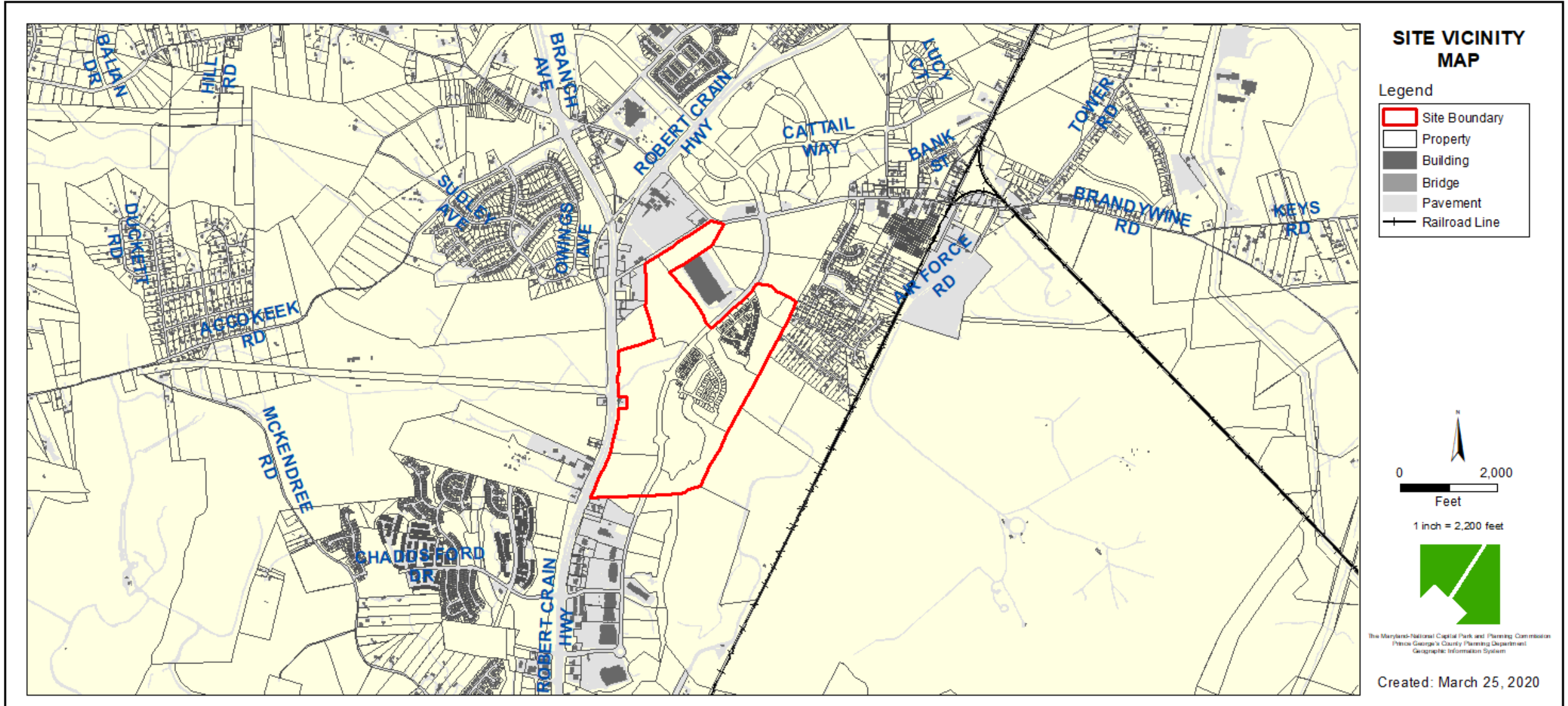
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



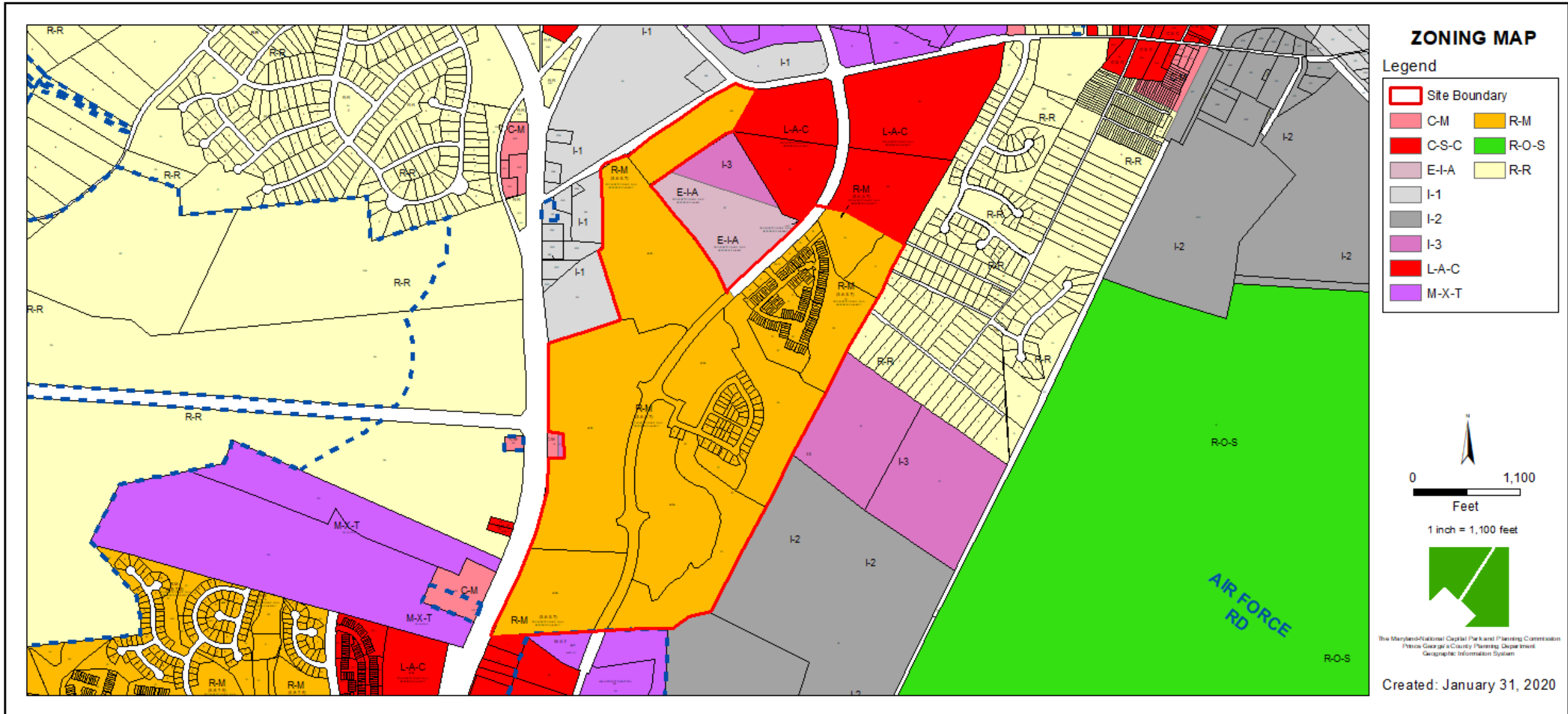
GENERAL LOCATION MAP



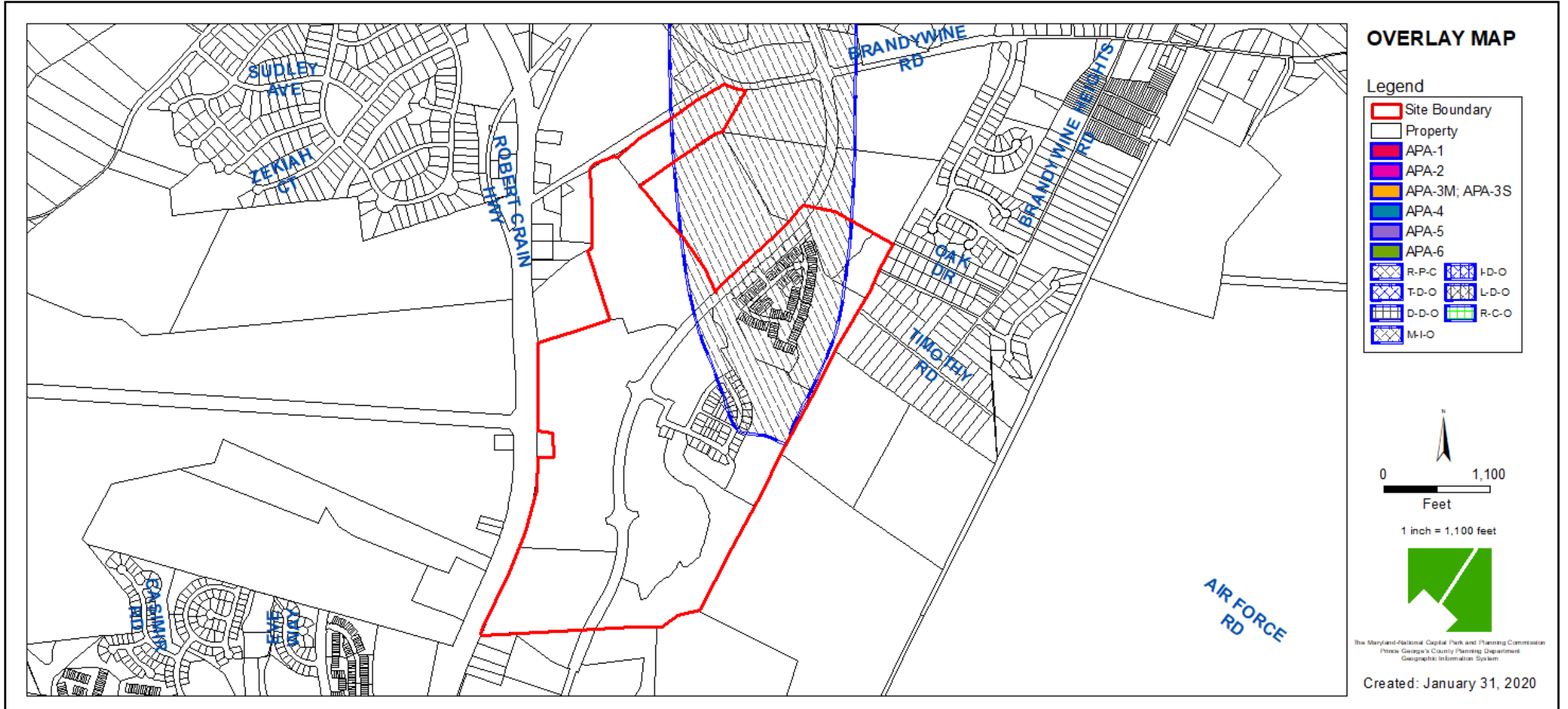
SITE VICINITY



ZONING MAP



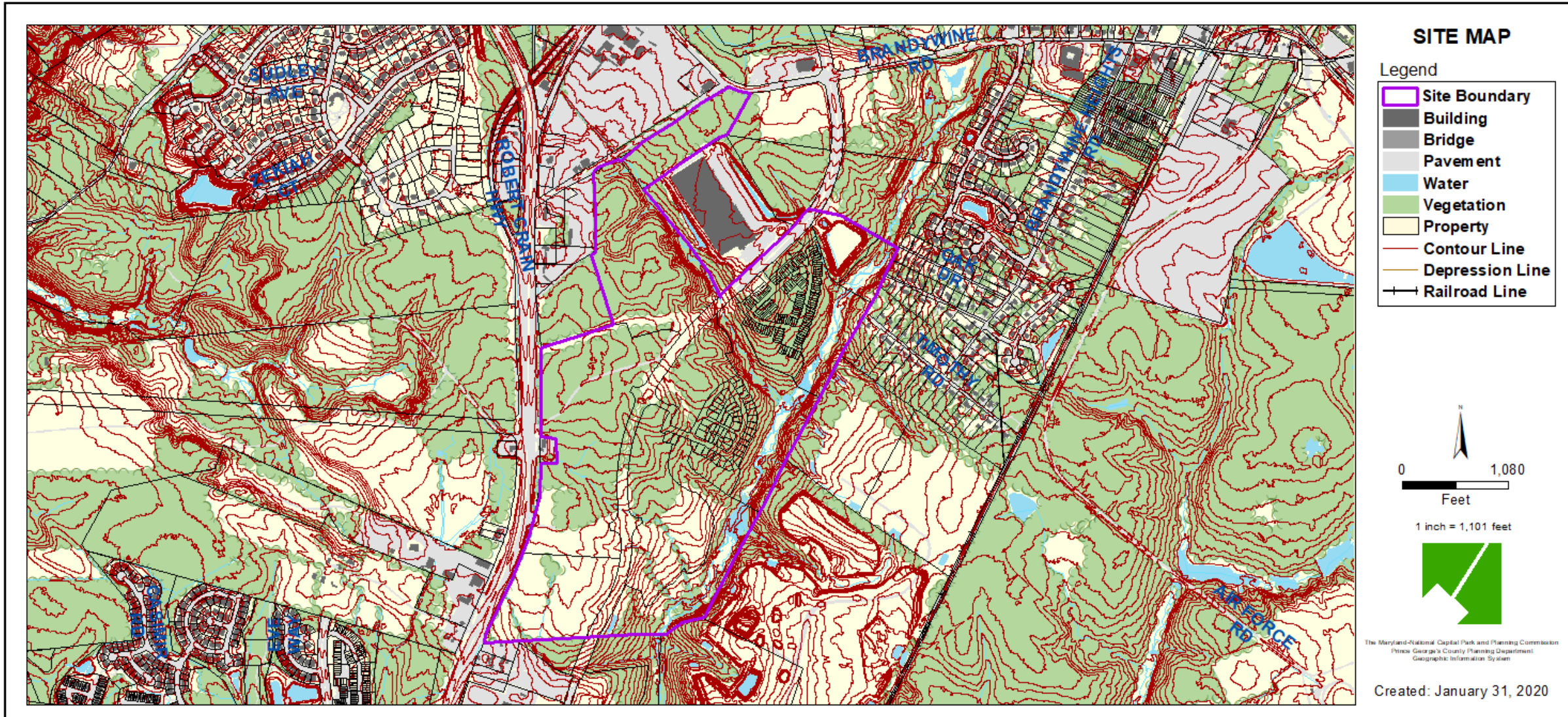
OVERLAY MAP



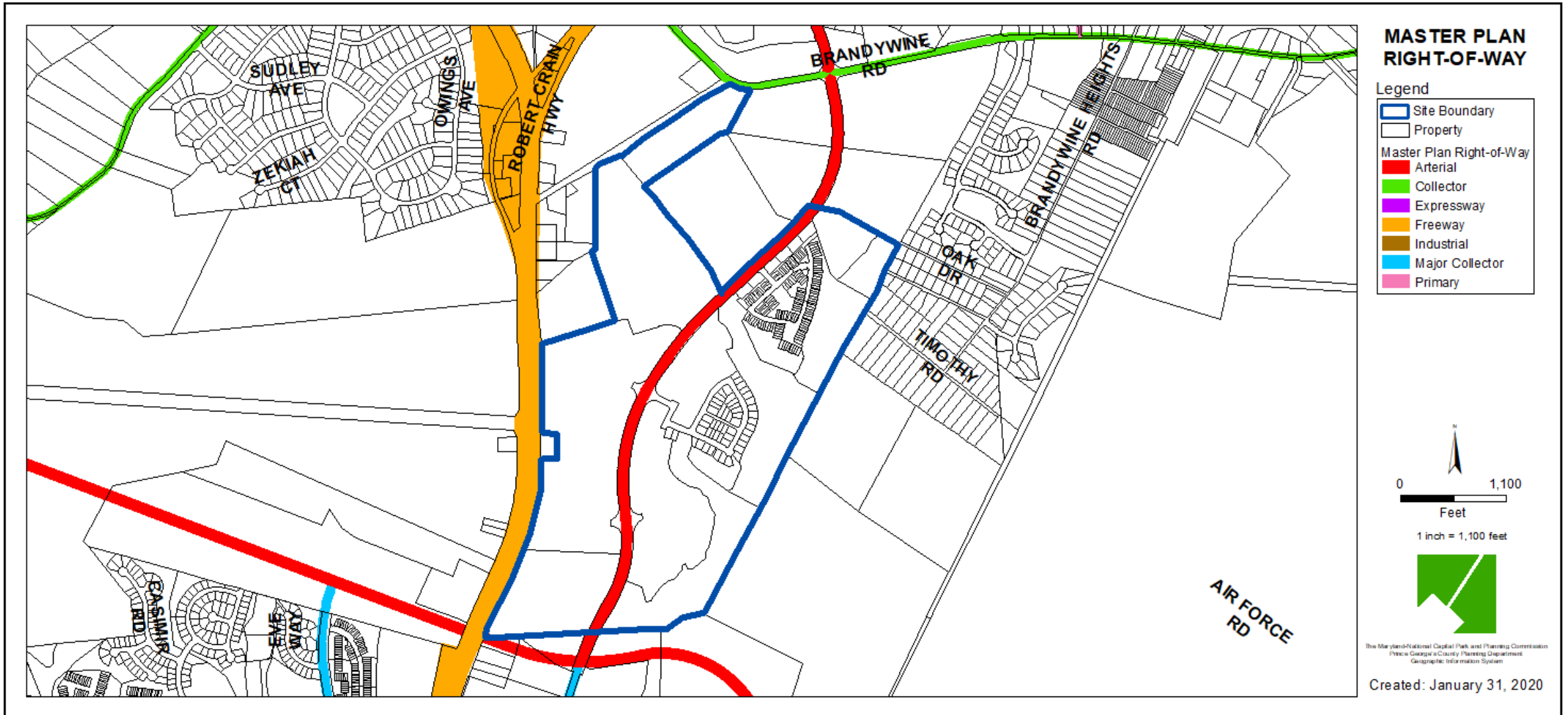
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SITE PLAN



ILLUSTRATIVE RENDERING



**AMENDED
STATEMENT OF JUSTIFICATION
CDP-0902-01**

Timothy Branch

APPLICANT: Timothy Branch Inc.
2124 Priest Bridge Drive, Suite 18
Crofton, Maryland 21114

OWNER: Timothy Brandywine Investments One, LLC
Timothy Brandywine Investments Two, LLC
2124 Priest Bridge Drive, Suite 18
Crofton, Maryland 21114

**ATTORNEY/
CORRESPONDENT:** Matthew C. Tedesco, Esq.
McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 Voice
(301) 982-9450 Fax

CIVIL ENGINEER: Ben Dyer Associates, Inc.
11721 Woodmore Road, Suite 200
Mitchellville, MD 20721
(301) 430-2000

REQUEST The approval of a revision of the comprehensive design plan to amend certain development standards to better conform to market demand and ensure consistency with existing development within the Timothy Branch subdivision. This amendment also proposes revisions to the recreational amenities proposed within the R-M Zoned properties.

I. DESCRIPTION OF PROPERTY

1. Addresses – Please refer to the address list attached to the application.
2. Proposed Use – 243 multifamily, 507 single-family attached (townhouses), 58 single-family semidetached (duplexes), 72 two-family attached (2 over 2), and 189 single family detached. The total dwelling units proposed with CDP-0902-01 is 1,069 dwelling units.
3. Election District – 11
4. Councilmanic District – 9
5. Lots and Parcels – West of Mattawoman Drive are Outlots B-D, and the part of Parcel G that is zoned R-M. East of Mattawoman Drive are the following: Outlot A, Parcel C,

Parcels 1-3 and A-I, Block C; Lots 1-19, 30-46, 58-112, Block C; Parcels B-D, Block D; Lots 5-28, Block D; Lots 1-6, 9-17, Block G; and Lots 1, 6-8, 13-20, Block H.

6. Total Area –261.75 acres of land zoned R-M.
7. Tax Map & Grid – 145 Grids A-4, B-3 & 4, C-3 & 4; 154 Grid F2; 155 Grids A-1 & 2 and B-1 & 2.
8. Location – Located on the east side of US 301/MD 5 and on the south side of Brandywine Road, approximately 1,000 feet east of its intersection with Short Cut Road.
9. Existing Zone – R-M.
10. WSSC 200 Sheet – 218, 219 & 220SE07, and 218 & 219SE08.
11. Archived 2002 General Plan Tier – Developing.
12. Plan 2035 Growth Policy Area – Established Communities.

II. APPLICANT’S PROPOSAL

Timothy Branch (formerly “Villages at Timothy Branch”), in its entirety, is a master-planned, comprehensively designed mixed-use residential community. The nature of the review of CDP-0902-01 is to amend certain development standards to better conform to market demand and ensure consistency with existing development within Timothy Branch, and to amend the recreational facilities proposed within the R-M zoned property. A consolidated list of design standard changes proposed with CDP-0902-01 follows:

Minimum Net Lot Area	One-family detached 5,200 square feet.
Minimum frontage at street R.O.W.	One-family detached 44 feet.
Minimum frontage at Front B.R.L.	One-family detached 50 feet.
Maximum Lot Coverage (%)	One-family detached and Single-family Semidetached 60%.
Minimum Side Setback	One-family detached 5 feet.
Minimum distance Between Buildings	One-family detached and Single-family Semidetached 12 feet.
Minimum Side Setback to Street	One-family detached 20 feet.
Minimum Frontage on Cul-de-sac	One-family detached 5,200 square feet.

The changes to the recreational facilities are specifically to update the facilities proposed with the multifamily development (RM-5), and to amend the timing for the finish of construction for several of the amenities. This proposed facilities list was approved with the original approval of CDP-0902 in 2010. Since that time, the phasing of the project has changed. The multifamily planned for area RM-5 will be moving up in the construction timetable, and RM-4 will be developed before RM-3 due to its frontage on Mattawoman Drive. For these reasons, adjustments need to be made with respect to the timing of finished construction of the recreation facilities. Additionally, the 7,500 square foot multiage playground facility planned for the multifamily RM-5 area is proposed to be relocated from RM-5 to RM-4, as the apartments in RM5 will have a separate private amenity including a pool, clubhouse and dog park. The revised plans depicts the relocation of the same.

III. COMMUNITY

The subject property is located in Planning Area 85A within Councilmanic District 9. More specifically, the site is located on the east side of Robert S. Crain Highway (US 301/MD 5), in the southeast

quadrant of its intersection with Brandywine Road. The property is split zoned between the Local Activity Center (L-A-C) Zone to the north and the Residential Medium Development (R-M) Zone to the south. The properties that are the subject of CDP-0902-01 are located within the R-M Zone.

The subject property is surrounded by the following uses:

North: Vacant property zoned L-A-C and Brandywine Road, and beyond a medical office building (MedStar Health at Brandywine) in the I-1 Zone, and vacant land in the M-X-T Zone.

South: Vacant land in the C-M and R-R Zones, and beyond various commercial/retail and office uses in the C-S-C Zone and M-X-T Zone.

East: Timothy Branch Stream Valley, and beyond existing single family detached residential in the R-R Zone, and the Soil Safe Inc. in the I-3 and the I-2 Zones.

West: Industrial uses in the I-1 Zone, a service station in the C-M Zone, Robert S. Crain Highway (US 301/MD 5), and beyond vacant land in the M-X-T Zone and industrial use in the C-S-C Zone.

IV. GENERAL CRITERIA FOR CDP APPROVAL

Sec. 27-524. - Amendments.

- (a) All amendments of approved Comprehensive Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.
- (b) A minor amendment to a Comprehensive Design Plan for the purpose of making home improvements that are not in conformance with the approved plan may be requested by a homeowner (or authorized representative) and shall be approved by the Planning Board, in accordance with the following procedures:
 - (1) **Filing.** The applicant shall submit a site plan and any other material deemed necessary to properly detail the requested modifications.
 - (2) **Fee.** At the time the application is filed, the applicant shall pay a fee to cover the costs of processing the request. The amount of the fee shall be established by the Planning Board. In cases of financial hardship, the fee may be waived by the Board.
 - (3) **Public Hearing.**
 - (A) The Planning Board shall conduct a public hearing on the requested amendments.
 - (B) **Findings.** The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.
 - (C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.
 - (4) **Appeal of Planning Board Decision.**
 - (A) The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

- (B) **The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the file on the proposed revisions, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the minor amendment, and any additional information or explanatory material deemed appropriate.**
- (C) **The District Council shall schedule a public hearing on the appeal or review. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.**
- (D) **Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the modification request to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a minor amendment, it shall make the same findings that are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.**
- (E) **The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record and the Planning Board.**

COMMENT: CDP-0902-01 is requested to be reviewed and approved by the Planning Board, in accordance with the initial approval. The amendment is not a request by an individual homeowner, and is not an appeal of a decision by the Planning Board.

Section 27-521. - Required findings for approval.

- (a) **Prior to approving a Comprehensive Design Plan, the Planning Board shall find that:**
 - (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;**
 - (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**
 - (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;**
 - (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**
 - (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;**
 - (B) **Building setbacks from streets and abutting land uses; and**
 - (C) **Circulation access points;**
 - (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;**

- (7) **The staging of development will not be an unreasonable burden on available public facilities;**
- (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;**
- (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);**
- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**
- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).**
- (12) **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**
- (13) **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: CDP-0902-01 conforms to the findings above in as much as CDP-0902 conformed to the same. CDP-0902-01 is limited to amending certain development standards to better conform to market demands and to ensure consistency with existing/ongoing development within Timothy Branch and updating the type of recreational facilities and the timing of their construction. Specifically, many of the development standard revisions were previously reviewed and approved by the Planning Board in SDP-1701 and SDP-1701-01 as variances, and to update and relocate (along with adjusting the timing of construction) the recreational facilities proposed. The required findings for Section 27-521 were approved with PGCPB Resolution 10-110(A), which are incorporated and adopted by reference herein.

V. AMENDMENTS TO THE R-M DEVELOPMENT STANDARDS

CDP-0902-01 proposes amendments to certain development standards to better conform to market demand and ensure consistency with existing development within Timothy Branch. The development approved with SDP-1701 and SDP-1701-01 requested amendments to the development standards, approved with CDP-0902 as variances.

The R-M design standards proposed with CDP-0902-01 are provided in the table below. **Bold** text depicts changed development standards.

The following standards shall apply to the development. (Modifications 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.)

[Table Follows]

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	5,200 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	44 feet	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	50 feet	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	60	35 ⁴	60	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive ¹²	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ^{10,13}
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	5 feet	N/A	5 feet	6	7
Minimum Distance Between buildings	12 feet	N/A	12 feet	N/A	N/A
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	20 feet	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	30 feet	N/A	N/A	N/A	N/A

¹ All parking is governed by 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 20-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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

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

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

¹² At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.

¹³ 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 considered in the determination of establishing the building restriction lines.

Specifically, concerning the one-family detached, the required revisions are as follows:

Minimum Net Lot Area	5,200 square feet
Minimum frontage at street R.O.W	44 feet
Maximum Lot Coverage (%)	60
Minimum side setback	5 feet
Minimum distance between buildings	12 feet
Minimum setback to street	20 feet
Minimum frontage on cul-de-sac	30 feet

Concerning the single-family semidetached, the required revisions are as follows:

Maximum Lot Coverage (%)	60
Minimum side setback	5 feet
Minimum distance between buildings	12 feet

Since the original approval, Footnotes 12 and 13 were added to the development standards. CDP-0902-01 proposes to update the previously approved CDP development standards to reflect the previous Planning Board approvals in SDP-1701 and SDP-1701-01.

The Zoning Map Amendment A-9987 approved a density range of 3.6-5.7 dwelling units per acre and an approved dwelling unit range of 874.8-1,385.1 dwelling units. The preliminary plan of subdivision, 4-09003, proposed a density of 4.4 dwelling units per acre and 1,064 dwelling units, both of which are at the lower end of the ranges approved in A-9987. The generalized Future Land Use Map (Map 10) of the Plan 2035 (General Plan) places the property within a “Mixed-use” land use. Map 11 of the General Plan classifies this property as a “local center,” and specifically includes this property as part of the Brandywine Town Center, which has a recommended density from 10 to 60 dwelling units per acre. The Subregion 5 Master Plan and SMA (Master Plan, page 2 Executive Summary) describes the Brandywine Community to be “focused on a transit station, with high-density, mixed residential, commercial, and employment uses abutting existing and planned major commercial uses to the south, and mixed residential uses to the north.” The Master Plan provides a graphic in Map IV-5 Brandywine Community Center Core and Edges (Page 50) and CDP-0902-01 is within the “Community Center Edge.” Community Center Edge development is described as being within one half to three-quarters of a mile from the planned transit station, and is further defined as “a mix of residential uses, predominantly single-family attached and detached housing” (Master Plan Page 47). The Timothy Branch community is specifically mentioned as having a portion of the property within the community center edge. Although Table I-1 Future Land Use Map Designations, Descriptions and Applicable Zones of the Master Plan places the entirety of the Timothy Branch property within the “Mixed Use” designation, the development proposed with CDP-0902-01 conforms with the “Residential Medium” description. This use is described as “residential areas between 3.5 and 8 dwelling units per acre. Primarily single-family dwellings (detached and attached).” CDP-0902-01 conforms to both the recommendations of the General Plan and Master Plan and the prior approvals.

The applicant offers the following justifications for the specific design standard revisions.

One-family detached

Minimum Net Lot area	5,200 square feet
Minimum Frontage at street R.O.W	44 feet
Minimum frontage at front B.R.L.	50 feet
Maximum Lot Coverage (%)	60
Minimum distance between buildings	12 feet
Minimum side setback	5 feet
Minimum setback to street	20 feet
Minimum frontage on cul-de-sac	30 feet

One-family attached

Maximum Lot Coverage (%)	60
Minimum distance between buildings	12 feet
Minimum side setback	5 feet

The potential builders have requested that the single-family detached residential lots provide for deeper rear yards. In fulfillment of this request, the lots were designed to provide deeper back yards and the lot width was reduced to new minimums of 44 foot wide at the street right-of-way, 50 foot wide at the front building restriction line, 60% maximum lot coverage, and minimums of five foot side setback, 20 foot side street setback and 30 foot minimum frontage on cul-de-sacs. The reduction of the lot width necessitated the reduction in the minimum net lot area to 5,200 square feet. The entirety of the RM residential property has extensive environmental constraints that have been taken into consideration with the previous approved layouts and in the design of the SDPs. The development was designed to stay within the limited development envelope, as to not further impact the regulated environmental features. However, in so doing, and in order to maintain the development densities envisioned with previous approvals, the applicant requests a modification to this development standard for both the one-family detached and one-family attached to reduce the side setback to a minimum of 5 feet with a minimum distance between buildings of 12 feet. The proposed design standards are consistent with similar comprehensively designed developments recently approved, specifically Renard Lakes, Bevard East, Beechtree, and Parkside.

VI. AMENDMENTS TO THE R-M RECREATIONAL FACILITIES

The changes to the recreational facilities are specifically to relocate the facilities previously proposed within RM-5 to RM-4, and to amend the timing for the finish of construction for several of the amenities. The apartments proposed within area RM-5 will provide its own amenity package for its tenants. This proposed facilities list was approved with the original approval of CDP-0902 in 2010. Since that time, the phasing of the project has changed. The multifamily planned for area RM-5 will be moving up in the construction timetable with its own amenity package, and RM-4 will be developed before RM-3 due to its frontage on Mattawoman Drive. For these reasons, adjustments need to be made with respect to the timing of finished construction of the recreation facilities. The 7,500 square foot multiage playground facility, located within RM-5 previously approved with CDP-0902, will be relocated nearby to area RM-4, as depicted on the revised CDP plan sheets. Below is the revised CDP-0902 Phasing of Amenities chart:

CDP-0902 PHASING OF AMENITIES

<u>FACILITY</u>	<u>BOND</u>	<u>FINISH CONSTRUCTION</u>
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200 th overall* residential unit permit
20,000 sq. ft. open play area- RM4	Prior to the issuance of any residential unit permit within RM4	Complete by 650 th overall* residential unit permit
7,500 sq. ft. multiage – RM4	Prior to the issuance of any residential unit permit within RM4	Complete by 700 th overall* residential unit permit
Min. 4,200 square-foot community building and 25-meter swimming pool-RM2	Prior to the issuance of 500 th overall* residential unit permit	Complete by 750 th overall* residential unit permit
2,500 sq. ft. tot – lot – RM2	Prior to the issuance of 500 th overall* residential unit permit	Complete by 750 th overall * residential unit permit
5,000 sq. ft. pre-teen – RM2	Prior to the issuance of 500 th overall* residential unit permit	Complete by 750 th overall* residential unit permit
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 775 th overall* residential unit permit
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development

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.

*Overall means CDP-0902 (RM Zone)

¹Unless the District Council amends the Basic Plan condition requiring the same.

VII. APPLICABLE CONDITIONS OF APPROVAL

CONFORMANCE WITH prior conditions of approval:

Basic Plan A-9987-C/A-9988-C

- 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: CDP-0902 plans showed the Master Plan hiker-biker-equestrian trail as a 10-foot-wide asphalt hiker-biker trail with an adjacent four-foot-wide turf verge for equestrian use, within close proximity to the adjacent development envelopes. CDP-0902-01 does not propose to alter this alignment, and is in conformance with this condition.

- 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: Throughout the previous and extensive review processes, the location of A-55 has changed many times. The current location for A-55 is to the south of the Timothy Branch, located outside of the project boundaries. This condition is no longer applicable due to the recent realignment of A-55, as Timothy Branch no longer has any frontage along A-55.

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

COMMENT: CDP-0902 plans showed sidewalks along both sides of Mattawoman Drive. CDP-0902-01 does not propose to alter this alignment, and is in conformance with this condition.

- 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: CDP-0902 plans showed sidewalks along both sides of all internal roads. CDP-0902-01 does not propose to alter this alignment, and is in conformance with this condition.

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

COMMENT: CDP-0902-01 complies with this condition. Tree Conservation Plan –Type 2 TCP2-068-93-05 is submitted for review with this application.

- 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: This condition has previously been satisfied with prior approvals and is no longer applicable.

Comprehensive Design Plan CDP-0901

CDP-0902-01 is specific to the R-M portions of the Timothy Branch development. The conditions included with CDP-0901, which are specific to the property in the L-A-C Zone, are not applicable to this review.

Comprehensive Design Plan CDP-0902

1. All conditions of approval of Basic Plan A-9987 shall remain in full force and effect.

COMMENT: CDP-0902-01 conforms to this condition, as noted above.

2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

COMMENT: CDP-0902-01 is within the trip cap previously established; therefore, this condition is met.

5.c. The following standards shall apply to the development. (Modifications 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
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
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 ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by 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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.
- 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 The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.
- ¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

COMMENT: CDP-0902-01 proposes to amend some of the design standards as follows:

The following standards shall apply to the development. (Modifications 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	5,200 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	44 feet	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	50 feet	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	60	35 ⁴	60	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	5 feet	N/A	5 feet	6	7
Minimum Distance Between buildings	12 feet	N/A	12 feet	N/A	N/A
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	20 feet	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	30 feet	N/A	N/A	N/A	N/A

- ¹ All parking is governed by 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 20-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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.
- 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 The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.
- ¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.
- ¹² At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.
- ¹³ 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 considered in the determination of establishing the building restriction lines.

The development district standards are amended to better conform to market demand and ensure consistency with existing development within Timothy Branch. Residential modules R-M 1 and 2 approved in SDP-1701 and SDP-1701-01, included several amendments to these standards, which were approved by the Planning Board. A new standard was added for a minimum distance between buildings for the one-family detached and single-family semidetached uses. To the one-family detached, revisions are as follows:

Minimum Net Lot Area	5,200 square feet
Minimum frontage at street R.O.W	44 feet
Maximum Lot Coverage (%)	60
Minimum side setback	5 feet
Minimum distance between buildings	12 feet
Minimum setback to street	20 feet
Minimum frontage on cul-de-sac	30 feet

To the single-family semidetached, revisions are as follows:

Maximum Lot Coverage (%)	60
Minimum side setback	5 feet
Minimum distance between buildings	12 feet

Since the original approval, Footnotes 12 and 13 were added to the development standards. CDP-0902-01 proposes to globally update the previously approved CDP development standards to reflect the previous Planning Board approvals in SDP-1701 and SDP-1701-01.

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.

- d. 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.**

COMMENT: CDP-0902-01 does not propose amendments to the Accessory Buildings.

- e. 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, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.**
 - (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 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.**
 - (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), or other masonry materials of equivalent quality**

as long as the buildings are within 100 feet of the Mattawoman Drive right-of-way.

- (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 and those that are determined at SDP to have highly visible corner facades shall be faced with a minimum of 80 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.**
- (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, or other masonry materials of equivalent quality.**
- (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 be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.**
- (9) **Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.**

COMMENT: CDP-0902-01 does not propose amendments to the Architectural Design Parameters.

7. **Prior to the approval of a specific design plan, 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, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.**

COMMENT: A Stormwater Management Concept Approval revision, Case # 11355-2009-02, was obtained for this property on January 24, 2020, and is valid through January 24, 2023.

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.**

COMMENT: CDP-0902-01 complies with this condition. Tree Conservation Plan –Type 2 TCP2-068-93-05 is submitted for review with this application.

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

COMMENT: A variance was approved by the Planning Board on October 23, 2014 (*see* SDP-1304) for the removal of Specimen Tree No. 3, this condition has been addressed.

14. 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.

COMMENT: The Stormwater Concept approval number that reviewed and approved credit for woodland conservation planting occurring within a stormwater management easement was 11355-2009-00. The technical approval that allowed planting within the easement areas is included with Permit #35729-2009. This condition has been addressed.

VIII. CONCLUSION

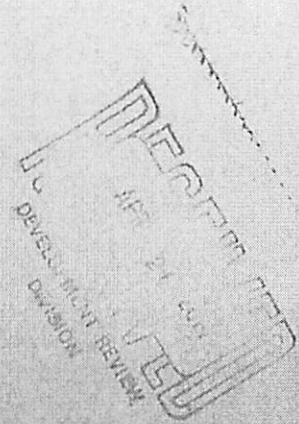
The applicant respectfully requests the approval of the requested amendment to Comprehensive Design Plan (CDP-0902-01) to modify certain development standards to better conform to market demand and ensure consistency with existing development within Timothy Branch, and to amend the recreational facilities proposed within the R-M zoned property. Based on the foregoing, as well as the comprehensive design plan package filed in conjunction with this application, and all evidence that has or will be submitted into the record, this application, and the requests herein, adhere to Section 27-524 of the Zoning Ordinance and the conditions of approval of A-9987-C, and CDP-0902. Accordingly, the applicant respectfully requests that the Planning Board approve CDP-0902-01.

Respectfully submitted,
McNamee Hosea



By: _____
Matthew C. Tedesco, Esq.

Date: March 10, 2020



The Villages
at Timothy Branch

COMPREHENSIVE DESIGN PLAN

L-A-C, LOCAL ACTIVITY CENTER

CDP-0901

&

R-M, RESIDENTIAL MEDIUM DENSITY

CDP-0902


April 2014

October 2019

March 2020


For L-A-C Approval:

CDP-0901

<p>THIS BLOCK IS FOR OFFICIAL USE ONLY</p> <p>QR label certifies that this plan meets conditions of final approval by the Planning Board, its designee or the District Council.</p> <p>M-NCPPC APPROVAL</p>	
<p>PROJECT NAME:</p>	
<p>PROJECT NUMBER:</p>	
<p>For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet. Revision numbers must be included in the Project Number.</p>	

For R-M Approval:

CDP-0902

<p>THIS BLOCK IS FOR OFFICIAL USE ONLY</p> <p>QR label certifies that this plan meets conditions of final approval by the Planning Board, its designee or the District Council.</p> <p>M-NCPPC APPROVAL</p>	
<p>PROJECT NAME:</p>	
<p>PROJECT NUMBER:</p>	
<p>For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet. Revision numbers must be included in the Project Number.</p>	

The
Villages
at Timothy Branch

COMPREHENSIVE DESIGN PLAN

CDP-0901 and CDP-0902

L-A-C

LOCAL ACTIVITY CENTER

R-M

RESIDENTIAL MEDIUM DENSITY

Applicant

**Timothy Brandywine Investments One, LLC
& Timothy Brandywine Investments Two, LLC**

2124 Priest Bridge Drive, Suite 18
Crofton, Maryland 21114

Prepared By

Ben Dyer Associates, Inc.

11721 Woodmore Road, Suite 200
Mitchellville, Maryland 20721

Engineers / Surveyors / Planners

April 2014

October 2019

provided from Mattawoman Drive. The concept calls for one or more buildings containing retail and service commercial uses such as a gas station/convenience store/carwash, and a possible freestanding restaurant.

Office (Medical and Professional)

A complex of professional and medical offices is shown south of the retail area. The concept shown on the Illustrative Plan is of a townhouse style office complex. However, this scheme is only one of several possible office layouts to be considered on future specific design plans.

Office/Light Industrial (Flex Space)

Employment uses consisting of office, service commercial and light Industrial uses are proposed in three flex space buildings shown in the area adjacent to an existing industrial, distribution facility. This location was recommended for employment uses by planning staff of the Prince George's County Planning Department during early coordination meetings.

A coordinated approach to the design of freestanding and wall mounted signs will enhance the overall quality and appearance of the village center. Signs that are compatible with the architectural design of the buildings in terms of size, materials, and design will help create an attractive identity for businesses and the residential component of the village center. In addition, gateway entrance signs (monument/freestanding signs) are examples of sign types which may be proposed in the village center.

The goals of the conceptual sign plan and the sign design standards of this Comprehensive Design Plan are to promote high quality signs by coordinating colors, materials and scale throughout the village center.

The conceptual sign plan and the sign design standards are supported by the

design principles and sign design guidelines of this Comprehensive Design Plan.

Proposed signs shall conform to the conceptual sign plan and the sign design standards and shall complement the overall design of the village center.

Specific design standards for all freestanding on-site signs and all signs attached to buildings shall be determined by the Planning Board for each individual development at the time of Specific Design Plan review, as specified in Section 27-614 (f)(1), and Section 27-613 (g)(1) of the Zoning Ordinance.

R-M ZONE (CDP-0902)

On October 7, 2010, Comprehensive Design Plan (CDP-0902) was acted upon by the Prince George's County Planning Board. On October 28, 2010, the Prince George's County Planning Board adopted a Resolution approving CDP-0902 with conditions (PGCPB No. 10-110). On November 4, 2013, the District Council affirmed the Planning Board's decision and adopted the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 10-110, as its findings and conclusions, subject to conditions. **On March 19, 2015, the Planning Board approved the request for reconsideration, approving CDP-0902 with revisions to the off-site recreational facilities contribution.** Should there be any inconsistencies between the aforementioned approvals and the text contained herein, it is understood that the Resolution and District Council Order control.

Residential Development Areas

Five residential development sections cover the R-M Zone. These sections, RM-1 through RM-5, are shown on the Staging Plan (CDP-5). A mix of residential dwelling unit types are proposed in each of the five sections, with the higher densities proposed in RM-5 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 RM-5 are located on the west side of Mattawoman Drive.

The following dwelling unit types are proposed in the R-M Zone:

- One-Family Detached
- Townhouse (Rear Loaded Garage)
- Townhouse (Front Loaded Garage)
- One-Family Semidetached (Duplex)
- Two-Family Attached (Two over Twos)
- Multifamily (Condominium)

Open Space

The open space system in the R-M Zone will link the residential development areas and recreational facilities into a shared network open space for the entire community. The open space network will provide a variety of visual and physical experiences with walkways and trails, recreational facilities, sitting and picnic areas, green buffers and a alley system.

Recreational Facilities

Private recreational facilities will be provided in the R-M Zone throughout the open space system within the five development Sections in phase with development, as outlined in the proposed staging plan. The proposed facilities will, be connected by a system of walks and trails. All on-site private recreational facilities will be provided consistent with standards outlined in the Park and Recreation Facilities Guidelines.

The following is a specific list of recreational facilities to be provided by the applicant in the R-M Zone:

1. Recreational center to include:
Min. 4,200 sq. ft. community building and a 25-meter swimming pool.
2. One (1) Pre-school age playground (2,500 sq. ft)
- 3 One (1) School age playground (5,000

- sq. ft.)
4. Three Multi age playgrounds (7,500 sq. ft.)
- 5 One (1) Open play area (100' x 200')
6. Portion of the Timothy Branch Stream Valley Trail:
 - Approximately 5,600 linear feet of 10" wide hiker/biker trail with 4' wide cleared earth/turf side path (equestrian)

In accordance with condition 8b of the approved Basic Plan off-site recreational facilities will be provided at the nearby Brandywine Community Park. **Condition 20 of PGCPB Resolution No. 10-110(A) conditions the following: Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreation Complex.**

CDP-0902 PHASING OF AMENITIES

<u>FACILITY</u>	<u>BOND</u>	<u>FINISH CONSTRUCTION</u>
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200 th overall* residential unit permit
20,000 sq. ft. open play area-RM4	Prior to the issuance of any residential unit permit within RM4	Complete by 650 th overall* residential unit permit
7,500 sq. ft. multiage – RM4	Prior to the issuance of any residential unit permit within RM4	Complete by 700 th overall* residential unit permit
Min. 4,200 square-foot community building and 25-meter swimming pool-RM2	Prior to the issuance of 500 th overall* residential unit permit	Complete by 750 th overall* residential unit permit
2,500 sq. ft. tot – lot – RM2	Prior to the issuance of 500 th overall* residential unit permit	Complete by 750 th overall* residential unit permit
5,000 sq. ft. pre-teen – RM2	Prior to the issuance of 500 th overall* residential unit permit	Complete by 750 th overall* residential unit permit
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 775 th overall* residential unit permit
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development

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.

*Overall means CDP-0902 (RM Zone)

¹Unless the District Council amends the Basic Plan condition requiring the same.

Gateway entrance signs and possible informational and directional signs are the primary sign types which may be proposed in the residential communities of the Villages at Timothy Branch,

A coordinated approach to the design of freestanding and ground mounted signs will enhance the overall quality and appearance of the residential communities. The primary purpose of the residential area sign plan is to develop signs that are residential in scale and

compatible with the: residential communities in terms of size, materials and design, and will help create an attractive identity for the residential communities of the Villages at Timothy Branch, The goals of this sign plan and the sign design guidelines of this Comprehensive Design Plan are to promote high quality signs by coordinating colors, materials and scale throughout the community.

The goals of the conceptual sign plan and the sign design standards of this Comprehensive Design Plan are to promote high quality signs by

R-M Zone (CDP-0902)

Residential Uses

The following standards shall apply to the development. (Modifications 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	5,200 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	44	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	50	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	60	35 ⁴	60	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive ¹²	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ^{10,13}
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	5	N/A	5 feet	6	7
Minimum Distance Between buildings	12	N/A	12	N/A	N/A
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	20	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	30	N/A	N/A	N/A	N/A

¹ All parking is governed by 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 20-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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

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

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

¹² At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.

¹³ 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 considered in the determination of establishing the building restriction lines.

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.

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on October 7, 2010, regarding Comprehensive Design Plan CDP-0902 for The Villages at Timothy Branch the Planning Board finds:

1. **Request:** The request in the subject application 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 to a maximum of 50 percent for townhouses and to a maximum of 25 percent for multifamily units are also requested.
2. **Development Data Summary**

	EXISTING	APPROVED
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% floodplain)	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

*Not to exceed 50 percent

†Not to exceed 25 percent

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 land 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 with the exception of three intervening industrial and one commercial parcel, 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, L-A-C-zoned CDP-0901 and Brandywine and Shortcut Roads; to the east the Timothy Branch Stream Valley; to the west is US 301 (Robert Crain Highway); and to the south, vacant land and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones.

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 Brandywine and Shortcut Roads 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 residential pods 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-twos). 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-twos). 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 condition below requires 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 as expressed in Section 27-614(f)(1) and Section 27-613(g)(1).

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 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
<p>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).</p>	<p>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.</p>	<p>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 not including other regulated lands such as steep slopes, 100-year floodplain, stormwater management, and wetland areas, not otherwise required to be left as open space and not to be used for parking lots.</p>
<p>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</p>	<p>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.</p>	<p>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.</p>
<p>For a pedestrian system separated from vehicular rights-of-way, an incremental factor may be granted, not to exceed 5 percent in dwelling units</p>	<p>The plan proposes a pedestrian circulation system generally separated from vehicular rights-of-way. All public rights-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.</p>	<p>Staff agrees that the application warrants the granting of a 5 percent density increment. 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. A pedestrian trail system will connect all of the pods of development on the east side of Mattawoman Drive to the Timothy Branch Trail so that the residents and public will have an alternative access to the commercial area within the adjacent L-A-C CDP and/or a loop configuration that will connect to bike ways and sidewalks developed as part of the project.</p>

<p>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.</p>	<p>For the 1,069 dwelling units proposed in the five residential development pods, 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.</p>	<p>Staff disagrees that the application warrants the granting of density increments for recreational development of open space. The applicant proposes a range of recreational 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. Since this is otherwise required, it may not be counted toward density increments.</p>
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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 total density increment requested for the provision of open space and for the provision of a pedestrian system separated from vehicular rights-of-way is 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 2,910. This estimate is arrived at by utilizing the population multipliers of 2.956 per dwelling for the multifamily units and 2.665 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.

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.**

The Transportation Planning Section has 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)”**

A traffic study including review of the above intersections dated July 2009 was submitted by the applicant, reviewed by the Transportation Planning Section and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T) in order for the Planning Board to make findings regarding the adequacy of

transportation facilities at the time of comprehensive design plan review and approval. 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
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		Level of Service	
	(AM & PM)		(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
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 that function and will be used as such, 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. Since an extensive area in the southwest portion of the site is proposed to remain without development, 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 originally included in the 1993 Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties, to Short Cut Road and to the Mattawoman Drive facility in the future. If collector-distributor lanes are not constructed along MD 5/301 when it is upgraded to an access-controlled freeway, the named properties may lose the ability to access US 301/MD 5 in the future. I-503 was initially planned when all properties in the area had industrial zoning, however, this has changed with the subject site being rezoned to R-M. Hence, the uses proposed for the subject property are different, and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, I-503 as initially envisioned and aligned is no longer necessary. However, some means to allow the named properties that front on MD 5/301 to potentially gain access to Short Cut Road may be needed. Accordingly, an alternative to I-503 has been addressed by this plan by showing an area of land within which an industrial cul-de-sac south from Short Cut Road to the Schraf property could be constructed. This cul-de-sac could be located half on the subject property and half on the properties being served by it. The portion of the subject property should be placed in a separate parcel or outlot at the time of subdivision to facilitate the future acquisition by either the State or a property owner to be served by it. With the provision of this parcel, I-503 is no longer needed and the CDP should be revised prior to signature approval to remove the depiction of the “Alternative Alignment of I-503” and to show a separate parcel to accommodate the future industrial connection.
- 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.

Conclusions

Based on the preceding findings, the Planning Board 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:

For commercial buildings, 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 above conditions have been incorporated into this approval.

- 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.**

The trail required by this condition is shown adequately on the CDP. Further, as conditioned below, in future approvals, the trail should 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.

- 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.**

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.**

Mattawoman Drive is a master-planned arterial road, currently indicated on the plans as having sidewalks along both sides. However, as conditioned below Mattawoman Drive shall be served by an eight-foot-wide, concrete side-path (in accordance with DPW&T standards) instead of a sidewalk on the eastern side of the road.

- 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.**

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. Details of the sidewalk design shall 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.**

The applicant's 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, shall be revised to be stated in mandatory terms, 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.**

The applicant has proposed a comprehensive, site-wide pedestrian circulation plan, including bus transit stop locations along Mattawoman Drive. These appear to be adequate for the proposed use, but precise locations of the bus stops shall be determined 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.**

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 this approval requires the bufferyard location and design to be reviewed further at the time of specific design plan. Additionally, another condition of this approval requires 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.

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 shall construct 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.

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, with the minimum size of the community building conditioned below to be 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.**

In satisfaction of this condition, the applicant will provide 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, as conditioned below, 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 shall 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.

A revised Natural Resources Inventory Plan (NRI-002-07) was approved for the overall Villages at Timothy Branch on August 19, 2010. Further, a condition below requires 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. This requirement ensures 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.

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.

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 in accordance with this requirement. Only a small section (from its intersection with Short Cut Road and running in a southeasterly direction for approximately 300 feet) of the subject CDP fronts on MD 381, Brandywine Road. The inventory 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 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.

Conditions of this approval address the preservation of the historic viewshed relevant to the subject portion of the Brandywine Road frontage.

- 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.**

The applicant provided copies of communications with representatives of the Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing projects, but indicated that no responses have 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.

The applicant shall 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 revised letter presented at the October 7, 2010 Planning Board hearing, 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 50 percent of the total dwelling units or up to 533 townhomes in that zone, which exceeds the allowable 30 percent maximum so that a variance of 20 percent from Section 27-515(b)(7), Footnote 29, is required. The multifamily condominium units in the R-M Zone make up 25 percent of the total dwelling units or up to 267 multifamily units in that zone, which exceeds the allowable 10 percent maximum so that a variance of 15 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.

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 Planning Board findings. 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.”

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, the Planning Board 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 limit 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.”

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.”

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. The Planning Board, after lengthy analysis, recommends 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. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:

Historic Preservation—The proposed residential development in the R-M Zone will have no effect on identified historic sites, resources, or districts.

Archeological Review—Archeological-related concerns related to the subject project include 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. The Planning Board 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. Phase II investigations have been completed on sites 18PR454, 18PR992, 18PR993, and 18PR994.
- 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. A condition of this approval requires that the applicant shall provide proof 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.

Archeological-related concerns have either already been met or will be addressed through the preliminary plan of subdivision process as Subtitle 24 provides the basis for archeological preservation.

Community Planning—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 and 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. The applicant has been 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. 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, 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 is shown. Lastly, 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 and this connection shown on the plans.

Subdivision Review—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, 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 Planning Board 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. Finding 7 includes 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 additional Subdivision-related issues include:

- 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 following subdivision-related suggestions were considered in this approval:

- (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 block perimeter should be reduced 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.

The design of the "long ear," as referred to above, should be revised to provide a walkable block pattern with sidewalks and street trees. A condition of this approval will allow 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.

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 approval requiring 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.

The design and location of various architectural features can undermine the benefits of an increased building setback. A condition of this approval 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.

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 of this approval 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. Though this trail has already been field located, 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.

The Planning Board agrees with the concern of developing an appropriate spatial relationship between the master-planned trail and residential units. A condition of this approval therefore 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 has considered increasing these buffers to 50 feet as part of the CDP.

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. A recommended condition below requires, at the time of specific design plan, that the requirements of Section 4.7 of the *Prince George's Landscape Manual* should be used as a starting point 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.

A condition of this approval requires 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. 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(a)(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. Noise and vibration along these roads should also be considered.

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, the Planning Board has established 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 a maximum of 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.

From a subdivision perspective, 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 Planning Board has considered whether 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, which would minimize the visual impact of the warehouse use on the

residential area by allowing landscaping to buffer two uses. The Planning Board has not included a condition requiring the relocation of this access as part of the subject approval.

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

Trails—The Planning Board has considered the trails-related issues of the subject approval and have included trails-related conditions of this approval as deemed necessary.

Parks and Recreation—The Planning Board 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 pan 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 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 with the relevant conditions herein.

Public Facilities—In accordance with Section 27-521 of the Zoning Ordinance, the staging of development will not be an unreasonable burden on public facilities, fire and rescue facilities and public schools will receive a school facilities charge of \$13,921 per dwelling unit at the time of building permit.

Environmental Planning—The Planning Board 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 Planning Board herein approves Comprehensive Design Plan CDP-0902 and Type 1 Tree Conservation Plan TCP1-151-90-01, subject to relevant environmentally-related conditions.

Background

The site has been reviewed 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 approval.

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 and subregion master plans.

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 approved 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 subject application and conditions of this approval ensure that they will be followed:

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, the approved 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. Environmental site design techniques shall 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.

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.

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.

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 subject of this approval.

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.

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 became unnecessary.

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 the Planning Board to make a decision 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.

Conditions of this approval required prior to signature approval of this CDP and at the time of preliminary plan of subdivision will ensure that the issues raised in this environmental review are satisfactorily dealt with.

- 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.

Conditions of this approval will ensure that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance will be met.

- 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.

Conditions of this approval will ensure that the TCP1 is revised as indicated.

- 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.

A condition of this approval will ensure that 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.

A condition of this approval will ensure these requirements are met.

- 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.

Therefore, residential structures shall 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.

Therefore, residential structures shall 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 provide 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 recommended in the final Phase II noise report for interior residential uses.

Conditions of this approval shall ensure further necessary review of noise issues with respect to the project.

- 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.

A condition of this approval shall ensure that light pollution from the subject project be minimized.

Zoning Review—The comprehensive design plan is 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;

The plan is found to be in conformance with approved Basic Plan A-9987.

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

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;

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;

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 conditions of this approval provide design changes to the subject comprehensive design plan that will 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.
- 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;

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 of this approval sets 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, the multifamily residential pod shall 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

The following standards shall apply to the development:

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
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
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 ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by 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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

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

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

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;

Land uses and facilities included in the plans are compatible with each other in relation to circulation access points with the following changes being made to the design:

- a. A vehicular outlet to Shortcut Road is provided across the subject property from the industrial use on Parcel E.

A condition of this approval requires inclusion of this potential future connection 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;

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.

Appropriate timing for construction of the off-site recreational facilities have been established in the subject approval. 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 proposed 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, the Planning

Board adopted the following phasing which relates to the phasing of the residential units within CDP-0902.

CDP-0902 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit
20,000 sq. ft. Open play area – RM4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development
<p>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.</p> <p>* “Overall” means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone) ¹ Unless the District Council amends the Basic Plan condition requiring the same</p>		

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

The staging of development will not be an unreasonable burden on available public facilities. This statement is based 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;**

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);**

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;**

TCP1-151-90-01 is approved with conditions together with the subject CDP, and conditions of this approval bring it into 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**

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.**

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-151-90-01), and APPROVED Variance Application No. VD-0902, and further APPROVED the Comprehensive Design Plan CDP-0902, The Villages at Timothy Branch for the above described land, subject to the following conditions:

1. All conditions of approval of Basic Plan A-9987 shall remain in full force and effect.
2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.
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 and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.
5. Prior to certificate of approval of the subject comprehensive design plan:
 - a. Show the proposed transit alignment and include the following label: "Possible Future Transit alignment (subject to further future environmental review)."
 - b. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.
 - c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications 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
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
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 ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by 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 unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

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.

¹⁰The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

¹¹These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

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.

- d. 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.
- e. 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, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.
 - (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 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.
 - (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), or other masonry materials of equivalent quality as long as the buildings are within 100 feet of the Mattawoman Drive right-of-way.

- (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 and those that are determined at SDP to have highly visible corner facades shall be faced with a minimum of 80 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.
 - (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, or other masonry materials of equivalent quality.
 - (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 be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.
 - (9) 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, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - b. 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.
 - c. Provide the minimum required widths and areas for preservation and afforestation areas.

- d. Meet the requirements of the Environmental Technical Manual with regard to standard notes.
 - e. Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - f. Eliminate woodland conservation from proposed ultimate rights-of-way and easements.
 - g. Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
 - h. Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
 - i. Revise the woodland conservation worksheet to reflect all of the revisions included above.
 - j. 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 that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.
 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. 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 an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.
13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.
14. 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.
15. Prior to certification approval of the CDP, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.
16. 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.
17. 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.
18. 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.
19. 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.”

20. 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*.
21. 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.
22. 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 for the Brandywine Area Community Park.
23. 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.
24. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
25. The applicant shall be responsible for woodland conservation requirements 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 owned by MNCPPC.
26. 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.
27. 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.
28. 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*.
29. 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.

30. 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.
31. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CDP-0902 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit
20,000 sq. ft. Open play area – RM4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development
<p>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.</p> <p>* “Overall” means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)</p> <p>¹ Unless the District Council amends the Basic Plan condition requiring the same</p>		

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, unless stated otherwise in Condition 31.
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 an 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 southern property line 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, if required, 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. Trails shall be shown 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, unless environmental constraints/impacts exist that make this impractical. The final trail location shall be reviewed at the time of SDP.
40. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

41. Any trail connectors on homeowners' association land to the Timothy Branch trail, if required, shall be six feet wide and asphalt.
42. Provide details of the way finding and trail 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.
43. 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.
44. 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. Prior to certificate approval, revise the CDP to remove the "Alternative Alignment of I-503" and show only that area of the subject property needed to accommodate a future industrial road connection as a separate parcel or outlot.
45. 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 land along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn land along US 301 at Mattawoman Drive, subject to SHA approval.
 - 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.
46. 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:

For commercial buildings, 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).

For each single-family detached unit, a fee calculated as $\$1,306 x$ (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

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

For each multi-family unit, a fee calculated as $\$886 x$ (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.
47. 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.
48. At the time of SDP review, the applicant may redesign Residential Module 3 to reduce the block perimeter and to increase the pedestrian and vehicular circulation. The housing types

within and around these blocks should be reconsidered to facilitate rear loading townhouses.

49. At the time of SDP review, the applicant may redesign Residential Module 5 to reconfigure the multifamily units to provide a central recreation or open space.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, October 7, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of October 2010.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Acting Planning Board Administrator

PCB:JJ:RG:arj

March 23, 2020

MEMORANDUM

TO: Adam Bossi, Senior Planner, Urban Design Review, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division *DG*

FROM: Jonathan Greene, Planner, Neighborhood Revitalization Section, Community Planning Division *JWG*

SUBJECT: **CDP-0902-01 Villages at Timothy Branch**

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the 2013 *Approved Subregion 5 Master Plan*.

BACKGROUND

Application Type: Comprehensive Design Plan

Location: Located on the east side of US 301, Robert Crain Highway, southeast of its intersection with MD 381, Brandywine Road.

Size: 261.75 Acres

Existing Uses: Vacant /Under development

Proposal: To amend certain development standards to better conform to market demand and ensure consistency with existing development within the Villages at Timothy Branch, and to amend the recreation amenities

CDP-0902-01 Timothy Branch

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in an Established Communities Growth Policy area. “Established Communities are most appropriate for context-sensitive infill and low-to-medium density development,” (p. 20).

The application is also in a General Plan Local Community Center (Brandywine). The vision for the centers “is concentrations of activities, services and land uses that serve the immediate community near these Centers. These typically include a variety of public facilities and services—integrated commercial, office and some residential development—and can include mixed-use and higher intensity redevelopment in some communities,”(p.38)

Master Plan: The 2010 *Approved Subregion 5 Master Plan and Sectional Map Amendment* recommends Mixed-Use use on the subject property. The property is zoned as R-M (Residential Medium).

Planning Area: 85A

Community: Brandywine & Vicinity

Aviation/MIOZ: A portion of this application is located within the Military Installation Overlay Zone – Noise Intensity Zone. The decibel range is 60-74 db.

SMA/Zoning: The subject property was rezoned to the R-M (Residential Medium) Zone from the E-I-A and I-3 zoning categories via approval of A-9987 in July 11, 2008. The 2013 *Approved Subregion 5 Sectional Map Amendment* retained the subject property in the R-M (Residential Medium) Zone.

MASTER PLAN CONFORMANCE ISSUES:

None

ADDITIONAL INFORMATION

None

c: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division

March 23, 2020

MEMORANDUM

TO: Adam Bossi, Urban Design Section, Development Review Division
VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division
FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division
SUBJECT: **Comprehensive Design Plan Review for Pedestrian and Bicyclist Transportation Master Plan Compliance**

The following comprehensive design plan (CDP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation (MPOT)* and the *2013 Approved Subregion 5 Master Plan* to provide the appropriate pedestrian and bicycle transportation recommendations.

Detailed Site Plan Number: CDP-0902-01

Development Case Name: Villages at Timothy Branch

Type of Master Plan Bikeway or Trail

Private R.O.W.	_____	Public Use Trail Easement	_____
County R.O.W.	_____	Nature Trails	_____
SHA R.O.W.	_____	M-NCPPC – Parks	_____
HOA	_____	Bicycle Parking	_____
Sidewalks	_____	Trail Access	_____
Add'l Connections	_____	Bike Signage Fee	_____

Development Case Background	
Building Square Footage (non-residential)	n/a
Number of Units (residential)	n/a
Abutting Roadways	Mattawoman Drive, Short Cut Road,
Abutting or Nearby Master Plan Roadways	Mattawoman Drive
Abutting or Nearby Master Plan Trails	Side path along A-63 & A-55 (planned), Timothy Branch Trail (planned)
Proposed Use(s)	Residential, Recreation, Commercial
Zoning	R-M
Centers and/or Corridors	Branch Ave Corridor, Brandywine Center
Prior Approvals on Subject Site	A-9987, CDP-0902, 4-09003, SDP-1304, SDP-

	1701 & -01
Subject to 24-124.01:	No
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Previous Conditions of Approval

The subject site has several prior approvals that include conditions related to pedestrian, bicycle and transit transportation. However, the subject application does not alter the conditions related to the alignment or widths of the required trail, bicycle, and transit facilities.

Review of Proposed On-Site Improvements

The subject development proposes an extensive sidewalk network that includes a master plan hiker/biker/equestrian trail, eight-foot wide hiker/biker trail along the east side of Mattawoman Drive, five-foot sidewalk along the west side of Mattawoman Drive, eight-foot wide side path along Brandywine Road, four-foot wide sidewalk along internal roads and associated American with Disabilities Act (ADA) improvements, pedestrian refuges, and bicycle parking.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential and industrial areas with no current pedestrian or bicycle connections.

Review of Master Plan of Transportation Compliance

Three master plan trail facilities impact the subject site, including a planned sidepath along A-63, a sidepath along A-55, and the planned Timothy Branch Trail. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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

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

Comment: The submitted plans reflect the relevant pedestrian and bicyclist facilities and policies recommended in the MPOT. However, the alignment of master planned roadway A-55 does not impact the subject site, and therefore will not be included in this development.

Review of Area Master Plan Compliance

The 2013 *Approved Subregion 5 Master Plan* recommend a dual route along Brandywine Road. The area master plan also includes the following policies related to pedestrian and bicycle transportation:

- Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.

- Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.

Comment: The submitted plans reflect the relevant policies from the area master plan, and do not alter the previously approved facilities. The submitted plans reflect an eight-foot wide concrete side path along Brandywine Road. While the frontage may be too short for a striped bicycle lane, the full extent of the bicycle lane can be constructed by the State Highway Administration as part of future improvement or roadway maintenance project.

Recommended Conditions of Approval

The submitted plans incorporate the necessary pedestrian and bicyclist improvements. Due to the nature of the subject application, there are no recommendations at this time.



Countywide Planning Division
Transportation Planning Section


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301-952-3680

March 30, 2020

MEMORANDUM

TO: Adam Bossi, Urban Design Review Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: **CDP-0902-01 Villages at Timothy Branch**

Proposal

The applicant is seeking an amendment to modify the development quantities within the area of a comprehensive design plan (CDP). No other changes to the prior approved plan are proposed.

Background

The site was rezoned under Basic Plans A-9988-C and A-9987-C; these approvals were followed by the review of Comprehensive Design Plan CDP-0902 for the portion of the overall Villages at Timothy Branch site within the R-M Zone (CDP-0901 covers the portion of Villages at Timothy Branch within the L-A-C Zone). Subsequently, Preliminary Plan of Subdivision (PPS) 4-09003 was approved covering the entirety of the Villages at Timothy Branch development.

The current revision involves only changes to the residential unit mix and the lot standards under CDP-0902. It also requests changes to the timing of recreational facilities. No significant changes to access and circulation are proposed. Given the limited scope of this revision, a new traffic study was not required or provided. A detailed review of conditions on prior plans will not be done; there are active specific design plans that have been under review, and prior conditions are being reviewed as those plans are reviewed.

The CDP is required for any development in a comprehensive design zone, and any modifications to an approved plan must be made by means of a revision. Transportation-related findings regarding adequacy are made with this application pursuant to Section 27-521(a)(7) of the Zoning Ordinance.

Analysis of Traffic Impacts

The application is a CDP for a plan that includes residential and commercial uses. The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines). Pass-by and internal trip capture rates are in accordance with the

Trip Generation Handbook (Institute of Transportation Engineers). The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site:

Trip Generation Summary: CDP-0902-01: Villages at Timothy Branch							
Land Use	Use Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Single Family Detached	189 units	28	114	142	111	59	170
Single Family Attached	507 units	71	284	355	264	142	406
Two-Family Attached (two over two residences)	72 units	10	40	50	38	20	58
Single Family Semi-Detached	58 units	8	33	41	30	16	46
Multifamily	243 units	25	101	126	95	51	146
Total	1,069 Units	142	572	714	538	288	826
Total Trip Cap for Proposed Use Per CDP-0902							818

The table above indicates that the residential mix currently proposed will exceed the development analyzed on the original CDP. The applicant justifies this small difference by indicating that the portion of the site within the L-A-C Zone will also be modified, and requests that consideration be given to the following information:

Trip Generation Summary: Overall Villages at Timothy Branch							
Land Use	Use Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Approved: Prior Comprehensive Design Plans							
L-A-C Zone: CDP-0901		426	133	559	376	581	957
R-M Zone: CDP-0902		142	568	710	532	286	818
Total Approved (Combined CDPs)						1,269	1,775
Proposed							
L-A-C Zone: Future CDP Revision		31	53	84	63	40	103
R-M Zone: CDP-0902-01		142	572	714	538	288	826
Total Under Current Proposals						798	929
Total Trip Cap under PPS 4-09003						1,269	1,775

The table above indicates that the future L-A-C area will, under current plans, have a much lower trip intensity with the uses that are intended to be proposed. The transportation staff finds this information to be appropriate for consideration. This is particularly relevant because the resolution for CDP-0902 includes Condition 2, as follows:

2. **The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips maybe reallocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.**

This condition allows this situation to be considered. Furthermore, under any circumstance the overall trip cap of 1,269 AM and 1,775 PM peak-hour trips shown on the PPS cannot be exceeded. Given the findings presented, the transportation staff does not believe that the proposal presents a trip cap issue.

The transportation staff has no comment on the other elements of the current CDP application.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available public facilities, as required by Section 27-521. In making this finding, it is recommended that the application be approved with the following condition from the original CDP:

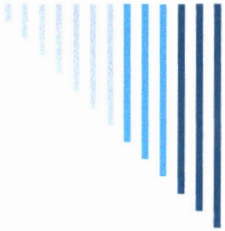
1. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips maybe reallocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

Additional Back-up

For

CDP-0902-01

Villages At Timothy Branch



BRANDYWINE-NORTH KEYS CIVIC ASSOCIATION, INC.

Post Office Box 321
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Earl Mitchell, President
Alexander Faison, Vice President
Diane Johnson, Secretary
Jean E. Mitchell, Treasurer

April 18, 2020

The Honorable Elizabeth Hewlett, Chairwoman
The Maryland National Capital Park & Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
County Administration Building, 4th Floor
Upper Marlboro, MD 20772

RE: Timothy Branch CDP-0902-01)

Dear Chairwoman Hewlett:

The purpose of this correspondence is to reaffirm that the Brandywine North Keys Civic Association continues to support the Timothy Branch development, including modification of the Comprehensive Design Plan (CDP-0902-01). Mr. Michael Gardiner keeps the local community informed on the status of the project and continues to solicit comments from residents on proposed changes and on planned or required modifications. Mr. Gardiner remains committed to building the connecting road that residents may use to access the Brandywine Crossing Shopping Center without having to travel on U.S. 301 to get to the Center. It is the desire of residents residing in the community to have this option. Mr. Gardiner has assured the community that modification of the Comprehensive Design Plan (CDP-0902-01) does not affect his commitment to building the connecting road.

Therefore, the Brandywine North Keys Civic Association is asking that records of the Maryland National Capital Park and Planning Commission reflect our continuing support of the Timothy Branch development as it relates to CDP-0902-01.

Respectively,

Earl M. Mitchell, President
Brandywine North Keys Civic Association