



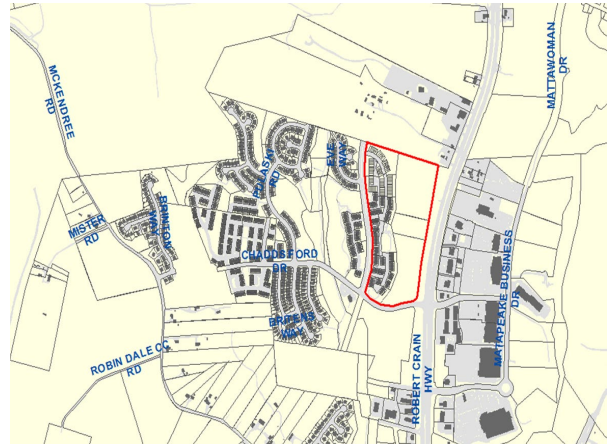
The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

# Comprehensive Design Plan CDP-1201-01

## Brandywine Village

REQUEST	STAFF RECOMMENDATION
Increase gross floor area of commercial space by 2,000 square feet to 220,500 square feet, in total, to add a new location of a commercial building	APPROVAL with conditions

<b>Location:</b> In the northwest quadrant of the intersection of US 301 (Crain Highway) and Chadds Ford Drive	
Gross Acreage:	44.33
Zone:	L-A-C
Dwelling Units:	188
Gross Floor Area:	220,500 sq. ft.
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	220SE07
<b>Applicant/Address:</b> Brandywine Partners, LLC 4920 Elm Street, Suite 325 Bethesda, MD 20814	
<b>Staff Reviewer:</b> Adam Bossi/Henry Zhang, AICP <b>Phone Number:</b> 301-952-4151 <b>Email:</b> Adam.Bossi@ppd.mncppc.org	



Planning Board Date:	11/14/19
Planning Board Action Limit:	11/22/19
Staff Report Date:	10/30/19
Date Accepted:	08/27/19
Informational Mailing:	02/26/19
Acceptance Mailing:	08/12/19
Sign Posting Deadline:	10/15/19

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-1201-01  
Brandywine Village

The Urban Design Section has completed its review of the subject application and agency referral comments concerning the Comprehensive Design Plan CDP-1201-01 and recommends APPROVAL with conditions as stated in the Recommendation section of this report.

**EVALUATION CRITERIA**

- a. The requirements of Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C.
- b. The requirements of Part 8, Division 2, Subdivision 2, of the Zoning Ordinance governing development in the Local Activity Center (L-A-C) Zone; and Part 8, Division 4, governing the approval of a comprehensive design plan.
- c. The requirements of Comprehensive Design Plan CDP-1201.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance.
- 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 is a request for an increase of 2,000 square feet from the previously approved 218,500 square feet of commercial/retail space, to a total of 220,500 square feet, and to add a new location of a commercial building.

**2. Development Data Summary:**

	<b>PREVIOUSLY APPROVED</b>	<b>PROPOSED</b>
Zone	L-A-C	L-A-C
Use(s)	Residential, Retail/Office	Residential, Retail/Office
Acreage	44.33	44.33
of which Residential Section	20.28	20.28
Commercial Section	24.05	24.05
Commercial/Retail Uses (GFA in square feet)	218,500	220,500

**3. Location:** The subject property is located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive, east of General Lafayette Boulevard. The property is also in Planning Area 85A, and Council District 9.

**4. Surrounding Uses:** The site is bounded to the north by undeveloped land in the Mixed Use-Transportation Oriented (M-X-T) Zone and a master plan arterial roadway, A-55; to the east, by the right-of-way of US 301, and the Brandywine Shopping Center in the Commercial Shopping Center (C-S-C) Zone beyond; to the south by the right-of-way of Chadds Ford Drive, beyond which are properties in the Residential Medium Development (R-M) and the Local Activity Center (L-A-C) Zones; and to the west by the right-of-way of General Lafayette Boulevard, beyond which are single-family subdivisions in the R-M Zone, developed with townhouses and single-family detached houses.

**5. Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the Prince George’s County District Council adopted County Council Resolution CR-108-1977 for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the R-M Zone (A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres in the M-A-C Zone. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, 85B*. Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned L-A-C, and 149 acres were zoned R-M (via CR-60-1993). The property subject to this application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones, based upon proposed road networks that were later revised. A comprehensive design plan was approved in January 1993 for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property.

On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-96083 to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone and the remaining acreage, including the property included in this application, was intended for future development.



On January 12, 2009, the District Council approved Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of the two zoning map amendments covering the two parts of the subject site, previous approved zoning map amendments and CDPs are no longer valid.

CDP-1201 was filed, in accordance with the requirements of the comprehensive design zones and approved by the Planning Board on June 20, 2013. PPS 4-12007 was also approved on June 20, 2013 and covered both the residential and commercial sections of the development concept.

On March 6, 2014, the Planning Board approved Specific Design Plan SDP-1303 for development of 188 townhouse units for the eastern residential section, which has been fully developed.

6. **Design Features:** The subject larger property of 44.33 acres is a linear land tract between the rights-of-way of US 301 and General Lafayette Boulevard. An unnamed stream, parallel to US 301, bisects the property into two distinct parts. The eastern portion of the site fronting US 301 has approximately 24.5 acres to be developed with commercial uses; the western portion of the site fronting General Lafayette Boulevard has approximately 20.28 acres and has been fully developed with a 188-unit townhouse subdivision. The eastern section also includes approximately 10.13 acres of land in the 100-year floodplain.

The eastern commercial section of the development, which is the subject of this CDP amendment, proposes a main access drive off Chadds Ford Drive to the south and a second right-in/right-out access off US 301. A future access to the site will be from the north of the site, where a future master plan arterial roadway (A-55) will be located on the adjacent property. An internal roadway parallel to US 301 provides on-site circulation. A medical office building, general office building, and three commercial/retail pad sites, surrounded by surface parking lots, will occupy the site in a linear order oriented toward US 301. This is an amendment to the original CDP, which only proposed four commercial buildings.

**Design Standards:** The Zoning Ordinance requires that, through approval of a CDP, the standards for building height, open space, public improvements, and other design features for the proposed development will be established in any CDZ.

Design standards for both residential and commercial development were established previously at the time of CDP-1201 approval. The residential section has been fully developed, and this CDP is limited to the increase of commercial/retail space by 2,000 square feet with no proposed changes to the previously approved design standards for the commercial section. The applicant agrees to locate any drive-through facilities serving the commercial/retail buildings to the rear of the buildings, away from the US 301 frontage. The remainder of the previously approved standards and guidelines governing the commercial section are still valid and applicable.

**COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C:** The District Council approved Basic Plan A-9996-C, which rezoned approximately 20.28 acres of land in the E-I-A, L-A-C, and R-M Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with six conditions and two considerations. Conformance with Basic Plan A-9996-C was determined in the approval of CDP-1201. The residential section under this basic plan has been fully constructed. The current amendment to the CDP does not have any impact on the residential section.

The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with seven conditions and two considerations. Conformance with Basic Plan A-9997-C was determined in the approval of CDP-1201. One condition is relevant to this CDP amendment, as follows:

1. **Land Use Types and Quantities:**

- 189,000 square feet of office space**
- 14,657 square feet of retail commercial**
- Open space**
- Homeowner Recreation Facilities**
- Trails**

<b>GROSS TRACT:</b>	<b>24.05 acres</b>
<b>FLOODPLAIN:</b>	<b>10.91 acres</b>
<b>NET TRACT AREA</b>	<b>13.14 acres</b>
<b>Base intensity of zone 24.05 acres at 0.16 FAR:</b>	<b>167,619 sq. ft.</b>
<b>Maximum intensity 24.05 acres at 0.31 FAR:</b>	<b>324,761 sq. ft.</b>

This CDP amendment adds an additional 2,000 square feet to the previously approved 218,500 square feet of commercial/retail space, for a total of 220,500 square feet. This increased area is still within the approved development limits for the commercial section. This CDP conforms to the governing Basic Plan A-9997-C.

8. **Prince George’s County Zoning Ordinance:** As one of the CDZs, the L-A-C 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.

- a. **Density Increments:** Section 27-496(b) of the Zoning Ordinance provides guidelines and criteria for calculating density increases for the L-A-C Zone. Density and design criteria for the residential and commercial portions of this development were established in the approval of CDP-1201.

At time of CDP-1201 approval, the Planning Board found that the applicant qualified for density increments of up to 45 percent, or a total of 243,048 square feet. Based

on the then-applicant's request, the Planning Board approved a total of 218,500 square feet for the development. This amendment requests an additional 2,000 square feet of commercial space, which is within the established density range. In a memorandum dated October 10, 2019, the Transportation Planning Section concluded that the proposed commercial square footage is still within the approved development trip caps for this site.

- b. **Development Standards:** A comprehensive set of development standards was previously adopted through CDP-1201 for both the residential and commercial sections. The design standards consist of two parts: zoning indicators, such as lot size and setbacks, as well as architecture design guidelines governing the design and materials of residential and commercial buildings and signage. All previously approved development standards in CDP-1201 remain applicable, except for the location of drive-through facilities, which has been discussed above.
- c. 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;**

There are two basic plans approved, one each for the residential and commercial sections. Basic Plan A-9996-C covers the residential section, which has been fully constructed. The subject CDP is in conformance with Basic Plan A-9997-C for the commercial section.

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

The CDZs 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 CDP is composed of two distinct sections that provide residential and commercial uses under the L-A-C zoning designation. One of the purposes of the L-A-C Zone is to encourage and stimulate a balanced development that groups uses for the convenience of the populations they serve. In order to achieve that purpose, the plan has to include sufficient design elements, facilities, and amenities. In this CDP, two distinct sections

have been shown, and each includes trails, sidewalks, and sitting areas around the stormwater management ponds. The residential section has been fully developed with all approved amenities and facilities, in accordance with SDP-1303. The commercial section, with this revision to increase the total commercial/retail space by 2,000 square feet, coupled with the amenities and facilities in the vicinity of the site, meets this requirement.

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

The site is bounded to the north by undeveloped land in the M-X-T Zone; to the east by the right-of-way of US 301, and beyond by the Brandywine Shopping Center in the C-S-C Zone; to the south by the right-of-way of Chadds Ford Drive, and beyond by properties in the R-M and L-A-C Zones; to the east by the right-of-way of General Lafayette Boulevard, and beyond by subdivisions in the R-M Zone. The site is part of a larger community known as Brandywine Village. The residential section has been fully constructed and is located across the street from the existing townhouses and single-family detached houses, and the commercial section is fronting on US 301. There is a stream that bisects the two sections. The proposed development will be compatible to these 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;**

The two sections in this CDP are completely separated by the existing stream. There is a pedestrian crossing in the middle of the site that will connect the residential and commercial sections. Additional sidewalks and stream valley trails will provide extra ties between the two sections. Within the residential section, 188 townhouse units have been completely constructed, along with on-street parking, open space, a playground, and sidewalks. Five building footprints are shown in the commercial section, along with parking lots, sidewalks along the spine road, and other pedestrian connections. Sufficient open space and building setbacks have been provided. The commercial section has two access points: one proposed right-in/right-out from US 301, and one complete access point from Chadds Ford Drive. Space has been preserved for a third possible connection to the north of the commercial section. The residential section has three access points from General Lafayette Boulevard. Adequate access points have been provided for each section.

- (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 residential portion of the development has been fully constructed and commercial development will be the next phase of the development. The proposed CDP amendment does not change the previous conformance to this requirement.

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

Given the moderate scale of the proposed development within each section, the development of the commercial section will not be an unreasonable burden on available public facilities. As previously noted, the roadways surrounding the subject site including US 301, Chadds Ford Drive, and General Lafayette Boulevard are all improved. Critical infrastructure supporting this last phase of the development has been put in place.

- (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 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); and**

The plan is consistent with this requirement by incorporating the applicable site design guidelines in the development standards for both the residential and commercial sections, as previously approved in CDP-1201. Specifically, the development standards incorporate the applicable design guidelines dealing with parking, loading and site circulation, lighting, views, green open space, site and streetscape amenities, grading, and public spaces that will govern the commercial section development.

**(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 TCP1-009-12 at the time of approval of CDP-1201. 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);**

This application does not change the previous findings regarding this requirement.

**(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 CDZ application as part of a sectional map amendment. This provision is not applicable to the subject application because the property was rezoned to the CDZ through two basic plan applications, 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 Brandywine Village is not a regional urban community.

**9. Comprehensive Design Plan CDP-1201:** This application is limited to the addition of 2,000 square feet of commercial/retail space to the 218,500 square feet previously approved with CDP-1201. As discussed above, this increase of the gross floor area is still within the development limits as approved in A-9997-C. All previous findings and conditions, except for those modified in this application, are still valid and govern the development of the commercial section under this application.

**10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** Since this application is limited to the addition of 2,000 square feet of proposed gross floor area, there is 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. The referral comments are included herein by reference, and major findings are summarized, as follows:

- a. **Community Planning**—In a memorandum dated October 8, 2019 (Greene to Bossi), the Community Planning Division noted that the application conforms to the approved basic plans. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the subject property in the L-A-C Zone.
- b. **Transportation Planning**—In a memorandum dated October 10, 2019 (Masog to Zhang), the Transportation Planning Section provided a comprehensive review of the background and prior approvals governing this application and concluded that the addition of 2,000 square feet of commercial/retail space has no additional traffic impact. The four transportation-related conditions included in PGCPB Resolution No. 13-58, approving CDP-1201 are still valid and govern the development of the commercial section.
- c. **Environmental Planning**—In a memorandum dated October 15, 2019 (Finch to Zhang), the Environmental Planning Section provided a comprehensive analysis of the development’s conformance with all applicable environmental regulations and prior approvals. The Environmental Planning Section concluded that this CDP conforms to the governing basic plans and preserves and/or restores the regulated environmental features within the development envelope on the subject site to the fullest extent possible.
- d. **Trails**—In a memorandum dated October 9, 2019 (Shaffer to Bossi), the trail planner provided an analysis of prior conditions and recommended approval of this CDP with one condition regarding a connector trail between the residential and commercial sections that was included in the approval of PPS 4-12007. The conditions will be enforced at the time of SDP and final plat.
- e. **Special Projects**—In a memorandum dated October 10, 2019 (Hancock to Zhang), the Special Projects Section found that prior findings for public facility adequacy still remain valid.
- f. **Subdivision and Zoning**—In a memorandum dated October 14, 2019 (Simon to Zhang), the Subdivision and Zoning Section noted that this CDP conforms to A-9997-C.
- g. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated September 4, 2019 (Sun to Bossi), DPR indicated they have no comment on the proposal, as it contains no change to the residential component and no impacts to proposed or existing parkland.
- h. **The Maryland State Highway Administration (SHA)**—As of the writing of this staff report, SHA did not respond to the referral request.
- i. **Prince George’s County Health Department**—In a memorandum dated September 12, 2019 (Adepoju to Bossi), the Health Department provided six comments regarding location of grocery and food stores within the vicinity of the site, air pollution related to traffic, pedestrian access to the site, impervious surface and mitigation of possible noise, and dust pollution during construction. Those

comments have been transmitted to the applicant. Two comments regarding noise and dust mitigation will be noted on the SDP.

- j. **Prince George’s County Police Department**—As of the writing of this staff report, the Police Department did not respond to the referral request.
- k. **Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this staff report, DPIE did not respond to the referral request.

## **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-1201-01, for Brandywine Village, subject to the following condition:

1. Prior to certificate approval of this comprehensive design plan, the applicant shall provide a plan note, as follows:

“All drive-through facilities serving commercial buildings shall be located to the rear of the buildings, away from the US 301 frontage.”



ITEM: 5

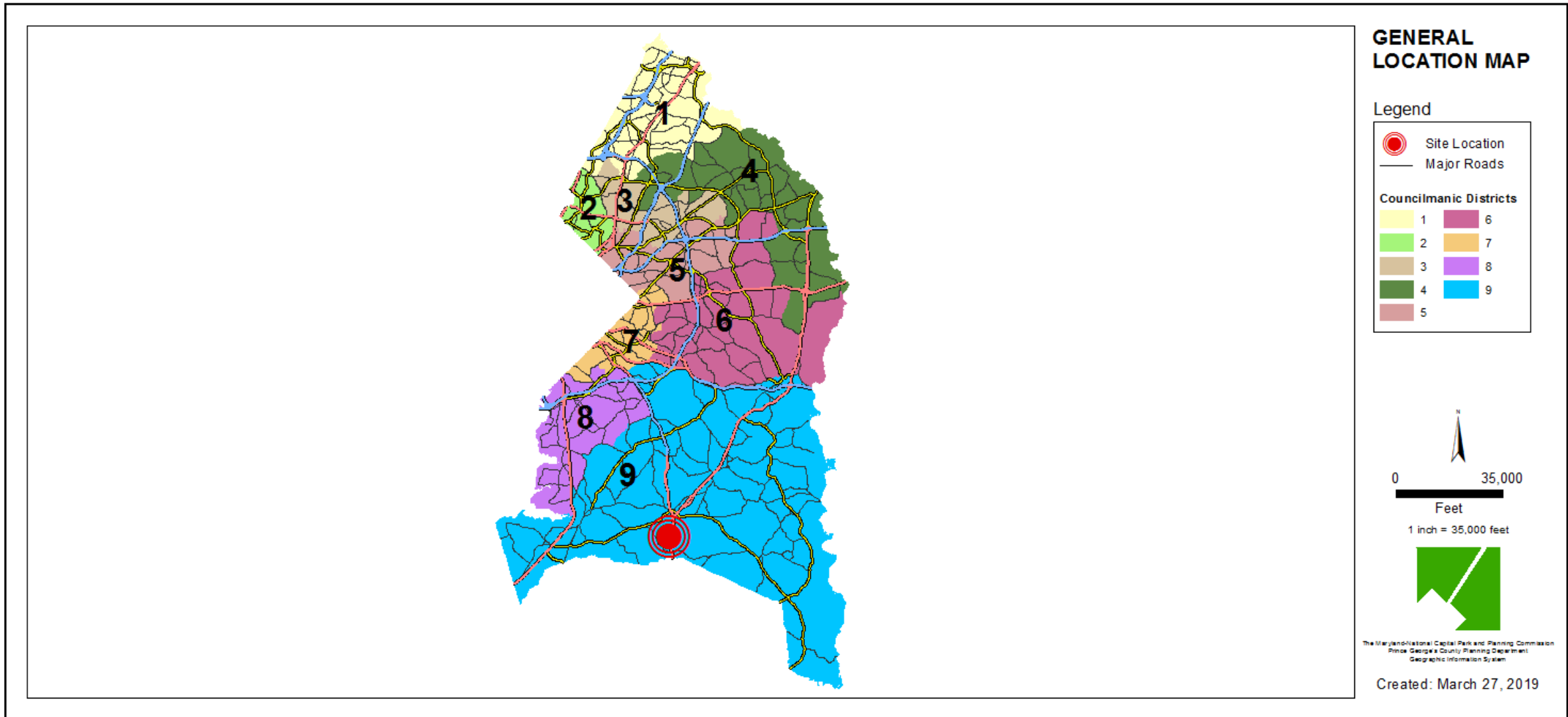
CASE: CDP-1201-01

# BRANDYWINE VILLAGE

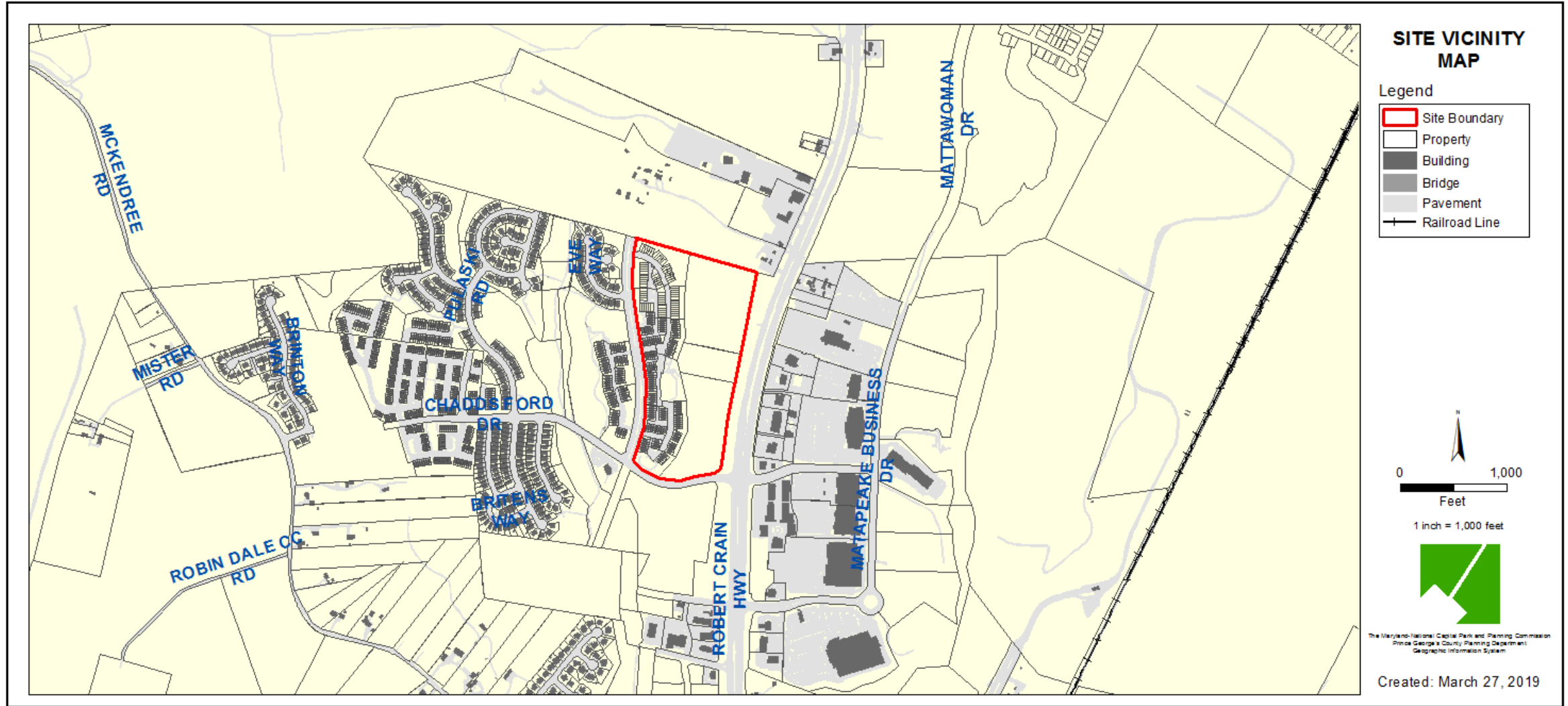
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



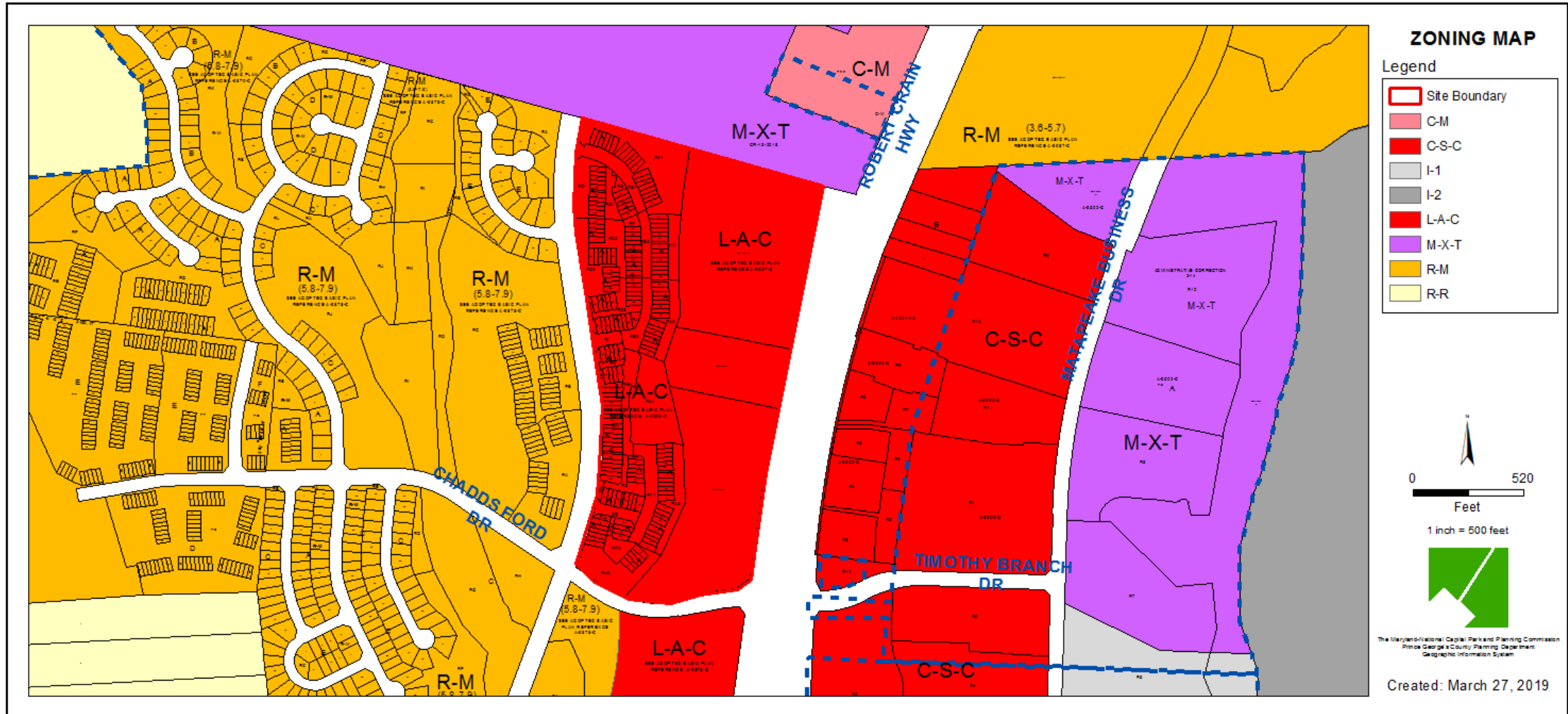
# GENERAL LOCATION MAP



# SITE VICINITY



# ZONING MAP



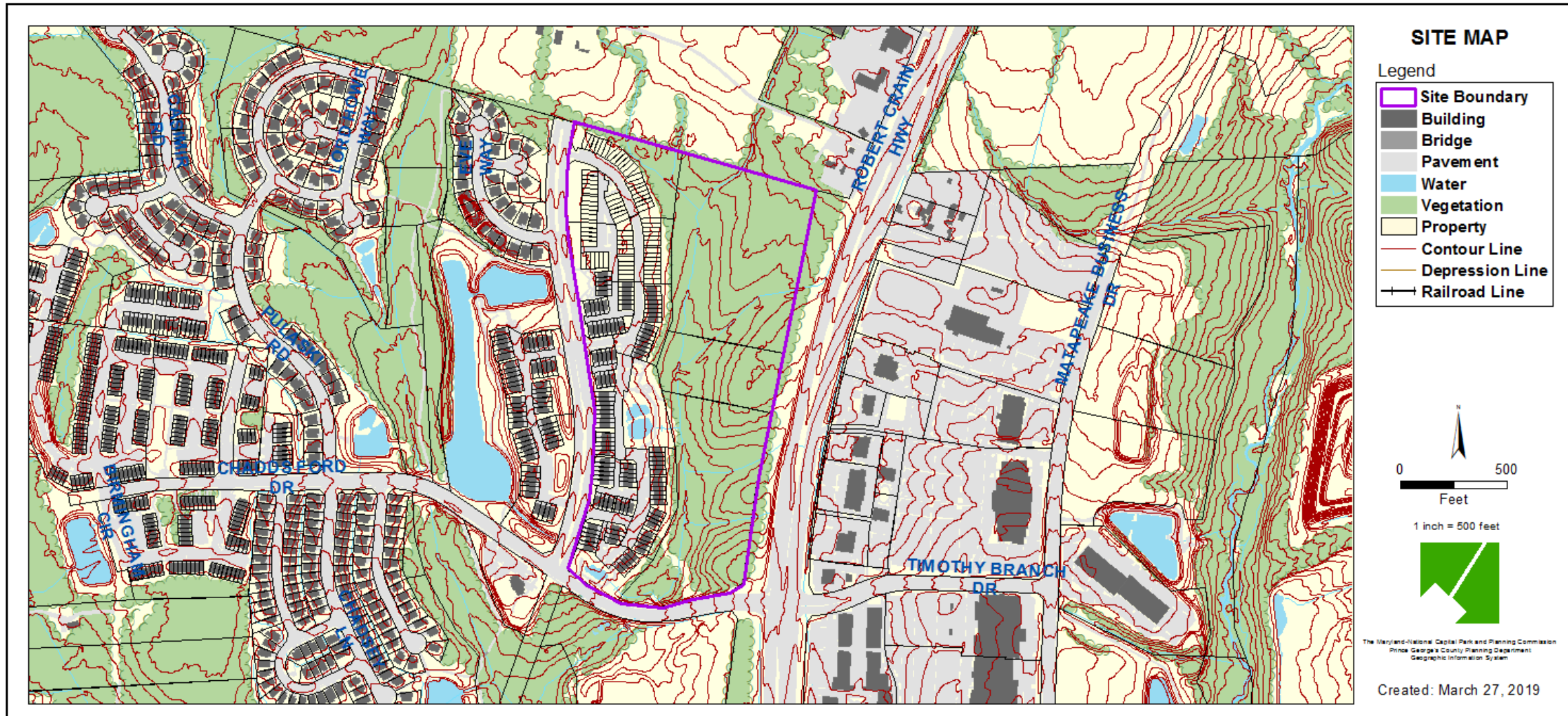


# AERIAL MAP

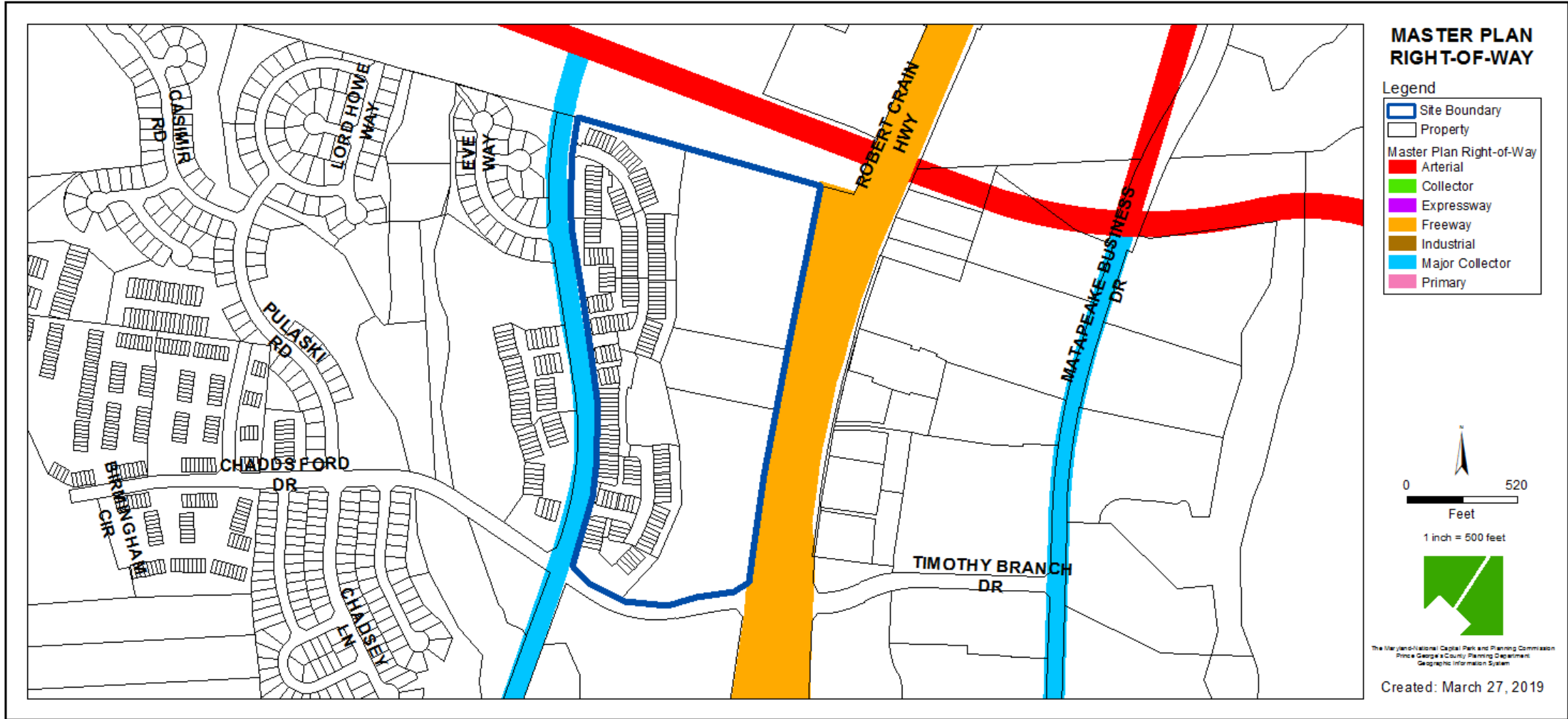




# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



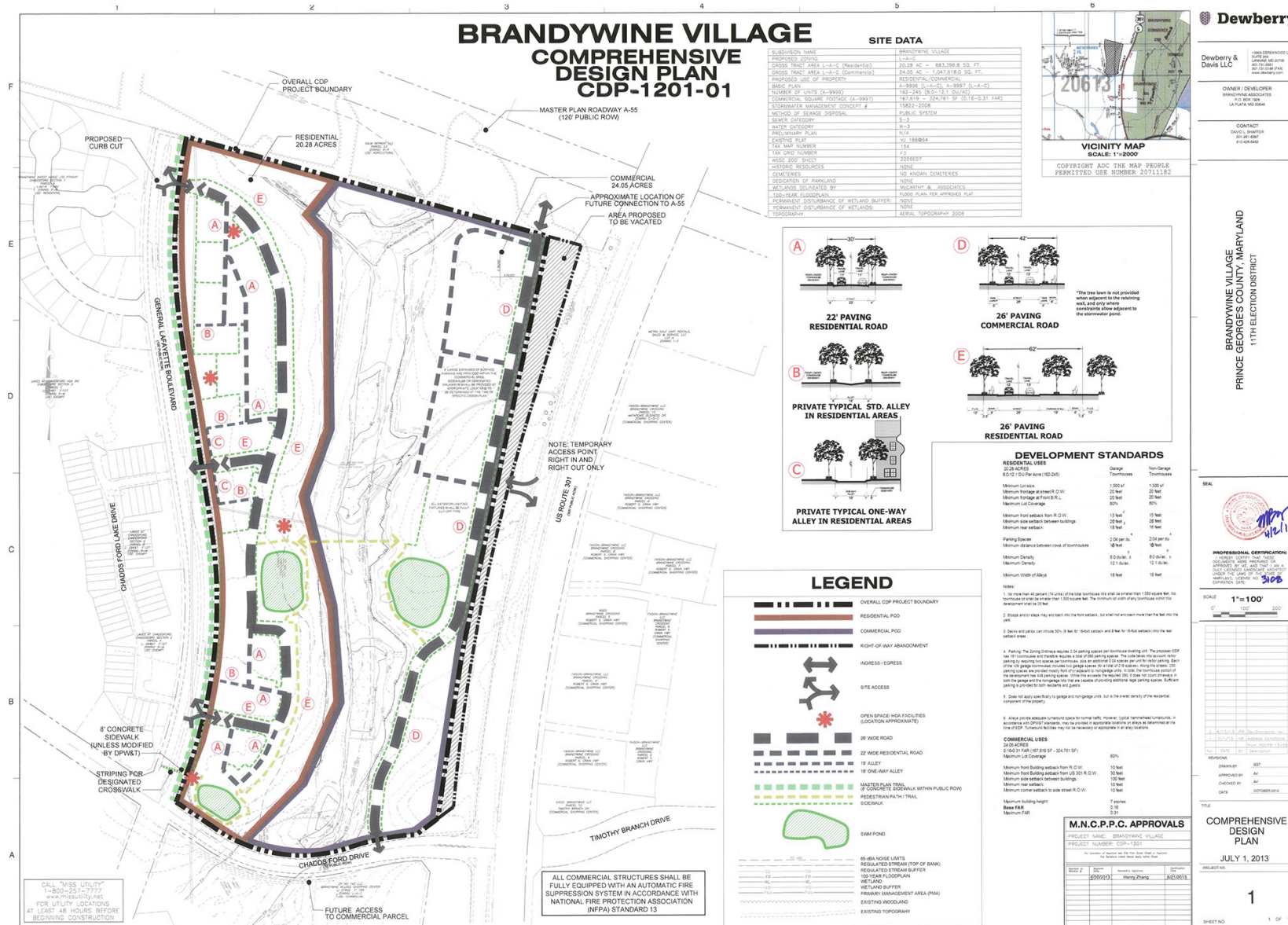


# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED





# SITE PLAN



**Dewberry**

13800 DERRYWOOD LANE  
DERRYWOOD, MD 21040  
301.281.0100  
www.dewberry.com

**Dewberry & Davis LLC**

OWNER / DEVELOPER  
BRANDYWINE VILLAGE  
200 W. MAIN ST.  
LAFAYETTE, MD 21113

CONTACT  
DANIEL BRADY  
301.281.0100  
dbrady@dewberry.com

BRANDYWINE VILLAGE  
PRINCE GEORGES COUNTY, MARYLAND  
11TH ELECTION DISTRICT

**PROFESSIONAL CERTIFICATION:**

BRANDYWINE VILLAGE  
COMPREHENSIVE DESIGN PLAN  
CDP-1201-01  
DATE: 07/08/13

SCALE: 1" = 100'

DATE	DESCRIPTION
07/08/13	ISSUED FOR PERMITTING

**COMPREHENSIVE DESIGN PLAN**

JULY 1, 2013

1 OF 1



PGCPB No. 13-58

File No. CDP-1201

R E S O L U T I O N

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 May 30, 2013, regarding Comprehensive Design Plan CDP-1201 for Brandywine Village the Planning Board finds:

1. **Request:** The application is for approval of a mixed-use development consisting of 218,500 square feet of retail, general office, and medical office space and 191 single-family attached (townhouse) units.

2. **Development Data Summary:**

	<b>PREVIOUSLY APPROVED</b>	<b>APPROVED</b>
Zone	L-A-C	L-A-C
Use(s)	Residential, Retail/Office	Residential, Retail/Office
Acreage	44.33	44.33
of which Residential Section	20.28	20.28
Commercial Section	24.05	24.05
Dwelling Units—Single-Family Attached	162-245	191
Commercial/Retail Uses (GFA in square feet)	167,619–324,761	218,500

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Robert Crain Highway (US 301) and Chadds Ford Drive, east of General Lafayette Boulevard. The property is also in Planning Area 85A, Council District 9, and in the Developing Tier of the county.

4. **Surrounding Uses:** The site is bounded to the north by undeveloped land in the Rural Residential (R-R) Zone and a master plan arterial roadway, A-55; to the east by the right-of-way of Robert Crain Highway (US 301) , on the other side of which is the Brandywine Shopping Center in the Commercial Shopping Center (C-S-C) Zone; to the south by the right-of-way of Chadds Ford Drive, beyond which are properties in the Residential Medium Development (R-M) Zone; and to the east by the right-of-way of General Lafayette Boulevard, beyond which are subdivisions in the R-M Zone, developed with townhouses and small-lot single-family detached houses.

5. **Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the

District Council adopted County Council Resolution CR-108-1977 for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the R-M Zone (A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres of M-A-C. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, 85B* (Subregion V Master Plan and SMA). Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned Local Activity Center (L-A-C), and 149 acres were zoned R-M (via CR-60-1993). The property subject to this application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones based upon proposed road networks that were later revised. A CDP was approved in January 1993 for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property. On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision 4-96083 to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. Comprehensive Design Plan CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone and the remaining acreage, including the property included in this application, was intended for future development. On January 12, 2009, the District Council approved Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of the two zoning map amendments covering the two parts of the subject site, previous approved zoning map amendments and CDPs are no longer valid. The subject CDP was filed in accordance with the requirements of the comprehensive design zones. A new Preliminary Plan of Subdivision, 4-12007, covering both the residential and commercial sections was approved by the Planning Board on May 30, 2013. The site also has a Stormwater Management Concept Plan, 15822-2008-01, which was valid through May 4, 2013.

6. **Design Features:** The subject property of approximately 44.33 acres is a linear land tract between the rights-of-way of Robert Crain Highway (US 301) and General Lafayette Boulevard. An unnamed stream parallel to US 301 bisects the property into two distinct parts. The eastern portion of the site fronting US 301 has approximately 24.5 acres and is to be developed with commercial uses; the western portion of the site fronting General Lafayette Boulevard has approximately 20.28 acres, and is envisioned as a residential townhouse subdivision. The eastern section also includes approximately 10.13 acres of land in the 100-year floodplain.

The commercial section of the development proposes a main access off Chadds Ford Drive and a second right-in/right-out access off US 301. A future access to the site will be from the north of the site where a future master plan arterial roadway (A-55) will be located. A north-south main internal roadway parallel to US 301 provides on-site circulation. Four stand-alone buildings surrounded by surface parking lots occupy the site in a linear order oriented toward US 301.

The residential section of the development is oriented toward General Lafayette Boulevard, from which three access points have been shown. Two of the accesses are a right-in/right-out type and the other one is a full access. A north-south spine road along with small alleys provides on-site circulation. Townhouse building sticks are arranged along both sides of the spine road and alleys.

**Design Standards:** The Zoning Ordinance requires that, through approval of a CDP, the standards for building height, open space, public improvements, and other design features for the proposed development will be established in any comprehensive design zone. The applicant has provided design standards in accordance with the requirements for both the commercial and residential development included in this CDP. The design standards consist of two parts: zoning indicators such as lot size and setbacks, and architecture design guidelines governing the design and materials of residential and commercial buildings and signage.

- a. **Residential Use:** Included in this CDP are 191 townhouse units in the residential section located in the western part of the site, fronting General Lafayette Boulevard. The CDP provides the following design standards governing future development of the residential section:

**Zoning indicators**

RESIDENTIAL USES

	Rear Garage Townhouses	Non-Garage Townhouses
Minimum Lot size:	1,500 s.f.	1,500 s.f.†
Minimum frontage at street R.O.W:	20 feet	20 feet
Minimum frontage at Front B.R.L.	20 feet	20 feet
Maximum Lot Coverage	N/A	N/A
Minimum front setback from R.O.W.	13 feet*	15 feet
Minimum side setback:	N/A	N/A
Minimum rear setback:	18 feet	16 feet
Parking	2.04 per du**	2.04 per du**
Minimum distance between rows of Townhouses	15 feet	15 feet
Minimum turning at the end of alleys	***	***
Minimum Density	8.0 du/ac.****	8.0 du/ac.****
Maximum Density	12.1 du/ac.****	12.1 du/ac.****

**Notes:** † A variance from the minimum lot size has been requested to reduce the required lot size from 1,800 square feet to 1,500 square feet.

\* Stoops and/or steps may encroach into the front setback, but shall not encroach more than five feet into the yard. Rear decks may encroach no more than ten feet over rear setback.

\*\* Parking: The Zoning Ordinance requires 2.04 parking spaces per townhouse dwelling unit. The proposed CDP has 191 townhouses and therefore requires a total of 448 parking spaces. The code takes visitor parking into account by requiring two spaces per townhouse, plus an additional 0.04 spaces per unit for visitor parking. Each of the 109 garage townhouses includes two garage spaces. Along the streets, 230 parking spaces are provided mostly in front of or adjacent to non-garage units. In total, the townhouse portion of the development has 448 parking spaces. While this exceeds the required 390, it also does not count driveways in both the garage and the non-garage lots that are capable of providing additional legal parking spaces. Sufficient parking is provided for both residents and their guests.

\*\*\* Alleys provide adequate turnaround space for normal traffic. However, typical hammerhead turnarounds, in accordance with DPW&T standards, may be provided in appropriate locations on alleys as determined at the time of SDP. Turnaround facilities may not be necessary or appropriate in all alley locations.

\*\*\*\* Does not apply specifically to garage and non-garage units, but is the overall density of the residential component of the property.

#### **Architecture design guidelines**

Residential architecture design guidelines provide certain design requirements for roofs, doors, windows, façade materials, façade elevations, and color schemes. However, no specific information on the type of townhouse proposed has been provided in the design guidelines.

#### **Alleys**

Private alleys have been proposed in the residential section. The right-of-way width of the proposed alleys varies from 12 to 22 feet. See Urban Design comments on the width of alleys in Finding 11 below.

- b. **Commercial Use:** Approximately 218,500 square feet of commercial and retail uses have been proposed in this CDP. The commercial use is located along US 301 in the eastern part of the site, the commercial section. The CDP provides the following design standards governing future development of the commercial section:

### **Zoning indicators**

#### **COMMERCIAL USES**

Minimum Lot size:	N/A
Minimum frontage at street R.O.W:	N/A
Minimum frontage at Front B.R.L.	N/A
Maximum Lot Coverage	N/A
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback:	N/A
Minimum rear setback:	10 feet
Minimum corner setback to side street R-O-W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

### **Architecture design guidelines**

The commercial architecture design guidelines are intended to promote good design that is responsive to its contextual setting. Specifically, those design guidelines are conceived to achieve objectives as follows:

- Enhance the human scale of this commercial development and respect the scale and character of adjacent residential neighborhoods.
- Mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to comparatively large commercial buildings.
- Strengthen pedestrian connections and improve the pedestrian environment.
- Provide flexibility to respond to the unique characteristics and constraints inherent in commercial development and to evolving commercial development configurations.
- Promote building designs and practices that are adaptable to multiple uses for extended building lifecycles.
- Minimize negative impacts from on-site commercial activities to adjacent residential uses.
- Balance the economic requirements of the development with the aesthetic concerns of the community.

The commercial architecture design guidelines cover issues of building character and context, massing, design of pedestrian frontages, architectural details, materials, and colors.

### **Signage**

The CDP also provides design guidelines for the design of various types of signage for the development. The signs include primary project identification signs, secondary project identification signs, internal neighborhood identification signs, directional signs, banners and flags, parking identification signs, individual site identification signs, etc. The sign design guidelines also provide for requirements for both temporary and prohibited sign types. Graphic exhibits have also been provided with the CDP text to illustrate the types and quality of the signs to be provided in the commercial development.

- c. **Internal Streets and Alleys:** The CDP includes five types of private streets and alleys with varied rights-of-way and pavement widths. Two spine roads for commercial (Type D) and residential (Type E) sections have 50-foot and 62-foot-wide rights-of-way, respectively, and both roadways have 26-foot-wide pavement. Three additional street and alley types have also been proposed with this CDP. Type A is a 30-foot-wide street with 22-foot-wide pavement, Type B is an alley with 18-foot-wide pavement, and Type C is a one-way alley with only 12-foot-wide pavement. Section 24-128 (b)(7) of the Subdivision Regulations limits the minimum width of an alley to 18 feet. The applicant should either remove or increase the width of the 12-foot-wide alley, or obtain a variation at the time of subdivision approval. A condition has been included in this resolution.

All internal streets and roadways are privately owned. However, those streets must be built in accordance with the standards of the Department of Public Works and Transportation (DPW&T). DPW&T standards require a 36-foot-wide pavement for the entrance to the commercial section. The spine road in the commercial section should be designated exclusively for through traffic without parking because the street will be utilized as an inter-parcel connection to the adjoining parcel to the north. The spine street in the commercial section should have a minimum 26-foot-wide pavement. The spine street in the residential section should have a minimum 26-foot-wide pavement. On-street parking is allowed in the residential section only. However, the parking should be outside of the 26-foot-wide pavement of the residential spine road. No parking should be allowed on those streets especially around the site access areas of the four entrances in the residential section. No parking should be allowed on the spine road of the commercial section. A condition has been included in this resolution to revise the related cross sections of the proposed streets.

### **Sustainability**

Sustainable design includes a myriad of development techniques to create both green buildings and neighborhoods with minimal impact on the environment. Sustainable design incorporates many of the Smart Growth techniques and looks at the big picture,

attempting to reduce the impact of the development on the environment at large, by creating vibrant compact developments that reduce impacts on existing resources such as water and energy, and place more emphasis on walking and biking than on the automobile. The proposed development does these things by including several features of good sustainable design. Recognizing the need for sustainable development, this CDP proposes to utilize the Leadership in Energy and Environmental Design (LEED) Neighborhood Design program, including credits for future design of this development as follows:

- **Smart Location, Transit Facilities and Reduced Automobile Dependence**—The property is a good location for dense residential and intense commercial uses. It is within walking distance to a planned transit station to the northeast, and across the street from a large retail center with shopping and dining opportunities.
- **Walkable Streets, Compact Development and Mixed Use Neighborhood Centers**—The proposed development includes a residential component with wide sidewalks and trails and high-density design which efficiently uses the western portion of the property. The commercial component of the property includes high-intensity compact design that fills the eastern portion of the property. Sidewalks and a trail connection between the residential and commercial sections create a vibrant mixed-use development that encourages walking and bicycling in and around the neighborhood.
- **Light Pollution Reduction**—The applicant will examine reducing light pollution by the use of shielded or cut-off lighting fixtures for the parking lots and street lights.
- **Water Efficient Landscaping**—Native plants are proposed in commercial parking lots and in the park areas in the residential section, to meet and/or exceed the *Prince George's County Landscape Manual* (Landscape Manual) requirements for using native plants and reducing or eliminating the need for additional watering once they are established.

Additional sustainable design techniques, especially those related to building design, will be examined as the development progresses through more specific design phases.

The CDP also shows that the stormwater management ponds have been used on the site to manage stormwater run-off. Three stormwater management ponds have been provided; two are in the residential section and one is in the commercial section. All stormwater management ponds require vehicular access for maintenance vehicles in the future. No vehicular access for stormwater management pond maintenance purposes should be provided through parking lots. Instead, the access should be provided from spine roads only.



7. **Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C:** The District Council approved Basic Plans A-9996-C, which rezoned approximately 20.28 acres of land in the E-I-A, L-A-C, and R-M Zones, located in the northwest quadrant of the intersection of Robert Crain Highway (US 301) and Chadds Ford Drive, to the L-A-C Zone, with six conditions and two considerations. The conditions that are relevant to the review of this CDP are discussed as follows:

**Basic Plan A-9996-C**

**1. Land Use Types and Quantities:**

**162-245 single-family attached and two-family attached (two-over-two) dwelling units**  
**Open space**  
**Homeowner Recreation facilities**  
**Trails**

**Single-family attached and two-family attached (two-over-two) dwelling units are based and conditioned on the following density breakdown:**

<b>GROSS TRACT:</b>	<b>20.28 acres</b>
<b>FLOODPLAIN:</b>	<b>0.82 acre</b>
<b>NET TRACT AREA:</b>	<b>19.46 acres</b>

<b>Base Density 10.28 at 8.0 du/acre</b>	<b>162 units</b>
<b>Maximum Density 20.28 at 12.1 du/acre</b>	<b>245 units</b>

This CDP proposes a total of 191 townhouse units along with open space, homeowners recreational facilities, and trails that are within the approved development limit. The applicant has also requested a variance in accordance with Section 27-230 of the Zoning Ordinance to allow 100 percent of the dwellings to be townhouses in this CDP. See the finding below for a detailed discussion.

- 2. 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 staff has made comprehensive transportation improvement recommendations that have been included in this report.

- 3. 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. **US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)**
- b. **US 301/MD 5 and Chadds Ford Drive (signalized)**
- c. **US 301/MD 5 and Cedarville Road/McKendree Road (signalized)**
- d. **Chadds Ford Drive and General Lafayette Boulevard (unsignalized)**

All intersections have been included in the traffic impact study submitted with this CDP. According to the review by the Planning Board, the traffic impact study is acceptable.

4. **Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north and to McKendree Road on the south, the applicant, the applicant's heirs, successors and/or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. Such closure shall include removal of the signal as directed by SHA following closure of the intersection. All closures, modifications and removals shall be at the sole expense of the applicant, the applicant's heirs, successors and/or assignees.**

The applicant is aware of the possible future closure and will comply with this requirement as appropriate.

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

This condition will be reviewed at the time of specific design plan (SDP).

7. **At time of comprehensive design plan ("CDP"), 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.**
  - b. **Provide an analysis of maximum density allowed per dwelling unit/acre and the proposed du/acre for the L-A-C Zone.**
  - c. **Provide pedestrian connectivity to the proposed L-A-C Zone commercial area.**
  - d. **Provide a valid stormwater management concept approval letter and plan.**

The applicant has provided the required information in this CDP application to demonstrate conformance with this requirement. A statement of justification has been provided that lists

design standards for both the residential and commercial sections. As previously discussed, the design standards include setbacks, lot coverage, and density, as well as standards for materials, architectural design, and signage design. The statement of justification also includes an analysis of density increment factors. A pedestrian trail connection has been shown on the CDP graphic. As discussed in Finding 5 above, the application includes a Stormwater Management Concept Approval Letter and Plan, 15822-2008-01, that was valid through May 4, 2013. A condition has been included in this resolution to require the applicant to renew the stormwater management concept approval or submit technical approval prior to certification of this CDP.

**Considerations:**

- 1. The applicant, the applicant's heirs, successors and/or assignees shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.**

This CDP application conforms to this requirement.

- 2. If approved, at the time of CDP the plan should be modified to move access along Chadds Ford Drive westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If placement of the access at that location is not possible due to environmental features by determination of the Environmental Planning Section, access to the eastern portion of the site should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact.**

During the review of this CDP, the Transportation Planning Section (M-NCPPC), along with DPW&T and the Environmental Planning Section (M-NCPPC) evaluated the possible alignment between the access point to the proposed commercial section and the approved access point shown on Specific Design Plan SDP-0519, and found that it is not feasible due to the short distance to the intersection of Chadds Ford Drive and US 301 and the constraints of existing environmental features. All vehicular accesses to the residential section, however, have been appropriately located from General Lafayette Boulevard.

**Basic Plan A-9997-C**

The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive to the L-A-C Zone, with seven conditions and two considerations. The conditions that are relevant to the review of this CDP are discussed as follows:

- 1. Land Use Types and Quantities:**
  - 189,000 square feet of office space**
  - 14,657 square feet of retail commercial**
  - Open space**

**Homeowner Recreation Facilities  
Trails**

<b>GROSS TRACT:</b>	<b>24.05 acres</b>
<b>FLOODPLAIN:</b>	<b>10.91 acres</b>
<b>NET TRACT AREA</b>	<b>13.14 acres</b>

**Base intensity of zone 24.05 acres at 0.16 FAR: 167,619 sq. ft.**

**Maximum intensity 24.05 acres at 0.31 FAR: 324,761 sq. ft.**

This CDP proposes a total of 218,500 square feet of commercial space including a 100,000-square-foot medical office facility, a 100,000-square-foot general office building, and two retail buildings totaling 18,500 square feet that are within the approved limits as shown in this condition.

- 2. All commercial structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.**

This condition will be carried forward as a condition of approval for this CDP.

- 3. At the time of CDP, 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.**
  - b. Provide an analysis of maximum density allowed per FAR and the proposed FAR for the L-A-C Zone.**
  - c. Provide pedestrian connectivity to the proposed L-A-C Zone residential area.**
  - d. Provide a valid stormwater management concept approval letter and plan.**

As previously discussed, the applicant has provided the required information in this CDP application to demonstrate conformance to the requirement. A statement of justification has been provided that lists design standards for both the residential and commercial sections. The design standards include setbacks, lot coverage, and density, as well as standards for materials, architectural design, and signage design. The statement of justification also includes an analysis of density increment factors. A pedestrian trail connection has been shown on the CDP graphic.

The application also includes a Stormwater Management Concept Approval Letter and Plan, 15822-2008-01, that was valid through May 4, 2013.

- 4. At the time of CDP, the transportation planning staff shall make master plan transportation facility recommendations consistent with the Subregion V master plan.**

See above finding for the identical condition of A-9996-C.

- 5. At the time of CDP 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. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)**
  - b. US 301/MD 5 and Chaddsford Drive (signalized)**
  - c. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)**
  - d. Chaddsford Drive and General Lafayette Boulevard (unsignalized)**

See above finding for the identical condition of A-9996-C.

- 6. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north and to McKendree Road on the south, the applicant, the applicant's heirs, successors and/or assignees shall close the US 301/MD 5/Chaddsford Drive at-grade intersection to traffic. Such closure shall include removal of the signal as directed by SHA following closure of the intersection. All closures, modifications, and removals shall be at the sole expense of the applicant, the applicant's heirs, successors and/or assignees.**

See above finding for the identical condition of A-9996-C.

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

The Planning Board supports the possible vehicular connection between the commercial section and the property to the north. A condition has been included in this resolution to require the applicant to provide a clear area on the SDP along the northern property line to ensure the future connection.

**Considerations:**

1. **The Applicant, the applicant’s heirs, successors and/or assignees, shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.**

The CDP satisfies this condition.

2. **If approved, at the time of CDP the plan should be modified to move access along Chaddsford Drive westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If placement of the access at that location is not possible due to environmental features by determination of the Environmental Planning Section, access to the eastern portion of the site should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact.**

See above finding for the identical condition of A-9996-C.

8. **The requirements of the Zoning Ordinance governing development in the L-A-C (Local Activity Center) Zone:** As one of the comprehensive design zones, the L-A-C 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.
  - a. **Density Increments:** Section 27-496(b) of the Zoning Ordinance provides guidelines and criteria for calculating density increases for the L-A-C Zone. Based on the basic plan approvals, the proposed CDP calculates the base residential density as 162 units (8.0 x 20.28 acres). The following potential density increase allowances in the Neighborhood Center are available in the residential portion of the property:

**RESIDENTIAL SECTION**

**L-A-C ZONE—RESIDENTIAL UNITS**

Base density 8 DUs/AC	162 Units*
Maximum density 12.1 DUs /AC	245 Units*
<b>Density requested 9.41 DUs /AC</b>	<b>191 Units</b>
<b>Density increment requested 18.0%</b>	<b>29 Units</b>

**Note:** \*Approved in Basic Plan A-9996-C.

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting residential density increments. The applicant, in the statement of justification, discussed three density increment factors with the potential for a total of 25 percent density increase based on the public amenities provided. However, in this application, the applicant has eventually requested only an 18 percent density increment as follows:

- (2) **For improved common recreational space totaling at least 200 square feet per dwelling unit (available without charge) for use by the residents;**

**OR**

**At least 200 square feet per dwelling unit of private open space contiguous to each dwelling unit;**

**OR**

**A combination of both the above items, which provides at least 200 square feet of either recreational open space or private open space per dwelling unit, an increment factor may be granted, not exceed 10% in dwelling units.**

**Applicant's Justification:** The applicant believes that a 10 percent (or 16 units) density increment in dwelling units is warranted with the following justification:

“More than 7 acres of HOA open space is provided (more than 1,500 square feet per dwelling). This area includes both areas for active and passive recreation, and significant amounts of open space contiguous to dwellings. In addition, 11.62 acres of land will be dedicated to the M-NCPPC.”

The linear-shaped residential section is lacking a focal point such as a centrally-located community green with recreational facilities. For the proposed 191 dwelling units, a total of 38,200 square feet (0.877 acre) of recreational open space is needed. According to the justification, the applicant provides more than seven acres, which is well above the minimum square footage needed to earn this density increment. However, the CDP shows several small sites in different locations that will provide a maintenance challenge to a future homeowners association. Given the size of this residential development, one centrally-located community green will better serve the community. The Planning Board agrees it is appropriate to grant up to a 10 percent increase in the residential density, which equals 16 dwelling units in this case, with a condition that the applicant should provide a centrally-located community green open space with a minimum of 18,000 square feet of usable area to be located preferably to the north of the stormwater management pond on Parcel A in order to ensure that the total recreational open space equals 38,200 square feet. All proposed recreational facilities such as the multi-generation play area should also be located within this community green area. This requirement has been included in the design standards that govern the development of the residential section.

As discussed in the memorandum from the Department of Parks and Recreation (DPR) (Sun to Zhang, November 20, 2012), DPR does not agree with the proposal to dedicate the stream valley and associated floodplain, which is approximately 11.62 acres, to M-NCPPC to satisfy the requirements of mandatory dedication of parkland for this project because the land is not contiguous to any existing M-NCPPC property. Instead,

DPR prefers to collect a fee-in-lieu that will fund additional recreational facilities within the Rose Creek Connector Trail Park that is owned by M-NCPPC and is located in close proximity of the subject site. With the provision of the community green open space, the Planning Board agrees with the applicant's justification to grant a ten percent (or 16 units) increase of the development density.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted, not to exceed 6% in dwelling units; 10% in FAR.**
- (4) **For public facilities (excluding streets and open space areas), an increment factor may be granted, not to exceed 18% in dwelling units; 20% in FAR.**

**Applicant's Justification:** The applicant believes that a 24 percent (6 plus 18) or 39-unit density increment in dwelling units is warranted with the following justification:

“Trails and Paths:

“Approximately 1,000 feet of 8-foot-wide trail with six fitness stations in the public parkland along the stream;

“Nearly 300 feet of internal trails along the stormwater management ponds; and

“Nearly 2,000 feet of 7-foot-wide sidewalks with several connecting 6-foot-wide sidewalks connecting to the trail in the stream valley.

“Passive recreation

“Three sitting areas with benches; and

“Two additional sitting areas along the stormwater management ponds.

“Active recreation

“A 16,300 square foot multi-generation play area.

“Because these pedestrian facilities are separated from the vehicular right-of-way, they qualify the applicant for a 10% increase in commercial FAR and dwelling units.”

The multi-generation play area should be located within the above mentioned, centrally-located community green open space. The Planning Board agrees that these public benefit features justify up to a 24 percent increase of the residential density, which equals 39 dwelling units in this case.



- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 4% in dwelling units; 20% in FAR.**

**Applicant’s Justification:** The applicant requests a four percent (6 units) density increment in dwelling units with the following justification:

“Street lights of enhanced design are proposed along the extra wide sidewalks provided in the development. Distinctive paving will be provided where concrete sidewalks transition into asphalt trails.”

All exterior lighting fixtures including street lights should be full cut-off type. The Planning Board agrees that this public benefit feature justifies up to a four percent increase of the residential density, which equals six dwelling units in this case.

**DENSITY INCREMENT SUMMARY—L-A-C ZONE—RESIDENTIAL UNITS**

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above four density increment criteria. As a result, the applicant has earned density increments, subject to certain conditions, as follows:

<b>Factor Number</b>	<b>Density Increment (%)</b>	<b>Density Increment (#units)</b>
2	10	16
3	6	10
4	18	29
5	4	6
	<b>38</b>	<b>61</b>

The applicant only requests a density increment of 18 percent, an equivalent of 29 dwelling units in this CDP application, which is within the allowable limits of density increments in accordance with the above analysis.

Based on the basic plan approvals, the proposed CDP calculates the base commercial density as 167,619 square feet (0.16 FAR by 24.05 acres). The following potential density increase allowances in the Neighborhood Center are available for the commercial portion of the proposed development.

**COMMERCIAL SECTION**

**L-A-C ZONE—COMMERCIAL SQUARE FOOTAGE**

Base density	0.16 FAR	167,619 Square feet*
Maximum density	0.31 FAR	324,761 Square feet*

**Density requested      0.31 FAR                      218,500 Square feet**  
 Density increment requested    31%                      50,881 Square feet  
**Note:** \*Approved in Basic Plan A-9997-C

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting commercial density increment as follows:

- (1) **For at least 12% of the gross commercial acreage in green area, and the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade, an increment factor may be granted, not to exceed 30% in FAR.**

**Applicant’s Request:** The applicant requests a 30 percent (50,286 square feet) density increment in floor area ratio (FAR) with the following justification:

“The green area calculations are as follows:

“Total Area of Commercial Property	1,078,283 SF (+/-)
“Total Area of parking area (not incl. islands)	- 180,473 SF (+/-)
“Area of Roadways	-78,112 SF (+/-)
“Area of Buildings	-72,119 SF (+/-)
“Area of Sidewalks	-26,736 SF (+/-)
“Area of Trails	-6,701 SF (+/-)
“Subtotal	714,142 SF (+/-)
“Area within the floodplain	-506,167 SF (+/-)
“TOTAL Green Area	142,026 SF (+/-) equals 13% green area remaining after construction.”

The gross commercial acreage proposed in the application is approximately 24.5 acres. Twelve percent of the 24.5 acres equals 128,066 square feet. The applicant provides more than 142,026 square feet (13 percent) of green area in the application and meets the green area requirements of this factor. However, the green area in the commercial section includes some parking lot interior planting areas required by the Landscape Manual. The counting of the Landscape Manual required interior planting area is based on the size of each parking lot. Since the commercial section has several parking lots, the highest required percentage of interior planting area is 10 percent. Because of double counting of the green area on the site, the staff recommends granting only half of the allowed percentage, in this case a 15 percent (25,143 square feet) density increment in FAR, with a condition of approval that will guide the future review of the SDP to focus on the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted [sic], not to exceed 15% in dwelling units; 10% in FAR.**

**Applicant's Request:** The applicant requests a 10 percent (16,762 square feet) density increment in FAR with the following justification:

“The applicant proposes almost 400 linear feet of wide trail along the SWM pond connecting to a 290 foot-long 8-foot-wide trail crossing over the stream valley. This trail connection is not included in the residential density increments above). Because this pedestrian facility is separated from the vehicular right-of-way, it qualifies the applicant for a 10% increase in commercial FAR.”

The pedestrian crossing is the critical connection called for by the basic plan approvals and is part of the comprehensive pedestrian system proposed on the subject site. Staff agrees with the applicant and recommends granting of a ten percent density increment in FAR based on this factor.

- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 15% in dwelling units; 20% in FAR.**

**Applicant's Request:** The applicant requests a 20 percent (33,524 square feet) density increment in FAR with the following justification:

“The applicant intends to provide distinctive streetscapes consisting of several elements as follows:

- “• Street lights of enhanced design are proposed.
- “• Distinctive paving will be provided where concrete sidewalks transition into asphalt trails.
- “• A sitting area for outdoor eating and enjoyment will be located near the trail around the SWM pond and in the commercial area.

“These streetscape improvements qualify the applicant for a 20% increase in commercial.”

The Planning Board agrees with the applicant and recommends granting a 20 percent (33,524 square feet) density increment in FAR for the factor discussed above on condition that the applicant will provide the following:

- All lighting fixtures should be fully cut-off type;
- Additional ornamental trees and shade trees should be planted along the site's street frontage and sitting area.

Plan notes should be provided on the CDP prior to certification. A condition has been included in this resolution.

**DENSITY INCREMENT SUMMARY—L-A-C ZONE—COMMERCIAL SQUARE FOOTAGE**

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above density increment criteria. As a result, the applicant has earned density increments subject to certain conditions, as follows:

<b>Factor Number</b>	<b>Density Increment (%)</b>	<b>Density Increment (square footage)</b>
1	15	25,143
3	10	16,762
5	20	33,524
	45	75,429

The applicant has only requested a density increment of 30 percent to support the development shown on the Comprehensive Design Plan, which is 218,500 square feet. The total amount of development which can be approved at the time of Specific Design Plan, consistent with the Comprehensive Design Plan cannot exceed the maximum square footage that is supported by the total density increment factors found to be satisfied as fully discussed above. The Planning Board finds that the applicant has qualified for density increments of up to 45 percent, or 243,048 square feet. This means that the total square footage which can be constructed in the commercial section of the property without a revision to this CDP is 243,048 square feet. Further, the Transportation Planning Section has also evaluated and found that the development is acceptable based upon a maximum commercial square footage of 243,048 square feet.

- b. **Development Standards:** A comprehensive set of development standards has been proposed for both the residential and commercial sections. The design standards consist of two parts: zoning indicators such as lot size and setbacks and architecture design guidelines governing the design and materials of residential and commercial buildings and signage. See Finding 6 above for a detailed discussion of these standards. Finding 11 below summarizes the development standards that are approved by the Planning Board and will govern the development of the subject site.

- c. **Section 27-521** of the Zoning Ordinance, Required Findings for Approval in the Comprehensive Design Zones, requires the Planning Board to find conformance with the following findings for approval of a CDP:

**(1) The plan is in conformance with the approved Basic Plan;**

There are two basic plans approved, one each for the residential and commercial sections. Basic Plan A-9996-C covers the residential section and Basic Plan A-9997-C covers the commercial section. The CDP proposes 191 units of residential townhouse and 218,500 square feet of commercial space that are within the approved development limits for the two sections. Therefore, the CDP is in conformance with the approved basic plans.

**(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, development under comprehensive design zones could achieve more green open spaces and more 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 CDP is composed of two distinct sections that provide residential and commercial uses under a Local Activity Center (L-A-C) zoning designation. One of the purposes of the L-A-C Zone is to encourage and stimulate a balanced development that groups uses for the convenience of the populations they serve. In order to achieve that purpose, the plan has to include sufficient design elements, facilities, and amenities. In this CDP, two distinct sections have been shown, and each includes trails, sidewalks, and sitting areas around the stormwater management ponds. Coupled with the amenities and facilities in the vicinity of the site, the plan meets this requirement.

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

The site is bounded to the north by undeveloped land in the R-R (Rural Residential) Zone; to the east by the right-of-way of Robert Crain Highway (US 301) and across US 301 by the Brandywine Shopping Center in the C-S-C (Commercial Shopping Center) Zone; to the south by the right-of-way of Chadds Ford Drive and across Chadds Ford Drive by properties in the R-M (Residential Medium Development) Zone; to the east by the right-of-way of General Lafayette Boulevard and across General Lafayette Boulevard by subdivisions in the R-M Zone. The site was part of a larger community known as Brandywine Village. The proposed residential section is located across the street from existing townhouses and single-family detached houses, and the commercial section is

fronting on US 301. There is a stream that bisects the two sections. The proposed development will be compatible with 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;**

The two sections in this CDP are completely separated by the existing stream. There is a pedestrian crossing in the middle of the site that will connect the residential and commercial sections. Additional sidewalks and stream valley trails will provide extra ties between the two sections. Within the residential section, 191 townhouse units are proposed along with on-street parking, open space, a playground, and sidewalks. Four building footprints are shown in the commercial section along with parking lots, sidewalks along the spine road, and other pedestrian connections. Sufficient open space and building setbacks have been provided. The commercial section has two access points: one proposed right-in/right-out from US 301, (that has been recommended for removal by the Transportation Planning Section) and one complete access point from Chadds Ford Road. Space has been preserved for a third possible connection to the north of the commercial section. The residential section has three access points from General Lafayette Boulevard. Adequate access points have been provided for each section.

**(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;**

A possible phasing scheme has been identified involving the residential section and the commercial section. According to the applicant, the residential section will be developed first. No additional phasing has been stated within each section.

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

Given the moderate scale of the proposed development within each section, staging will not be an unreasonable burden on available public facilities. As previously noted, the roadways surrounding the subject site including US 301, Chadds Ford Road, and General Lafayette Boulevard are all improved. Across US 301 is a newly-developed shopping center. Critical infrastructure has been put in place.

**(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 is for development of two undeveloped pieces of property and 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 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); and**

The plan is consistent with this requirement by incorporating the applicable side design guidelines in the development standards for both the residential and commercial sections. Specifically, the development standards incorporate the applicable design guidelines dealing with parking, loading and site circulation, lighting, views, green open space, site and streetscape amenities, grading, public spaces, and townhouses.

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

Type 1 Tree Conservation Plan TCP1-009-12 has been submitted with this CDP. According to the review by the Planning Board, the CDP is consistent with TCP1-009-12 subject to several conditions. The CDP will be heard and approved with the TCP1 on the same date.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible;**

According to the review by the Planning Board, this application conforms to the previously approved NRI and the companion Type 1 tree conservation plan. Type 1 Tree Conservation Plan TCP1-009-12 is consistent with the environmental policies of the 2002 *Prince George's County Approved General Plan* (General Plan), and the requirements of the Subregion V Master Plan and SMA, the 2005 *Approved Countywide Green Infrastructure Plan*, the Woodland and Wildlife Habitat Conservation Ordinance, and the Tree Canopy Coverage Ordinance, as well as applicable environmental conditions attached

to the previous approvals. As such, the plan demonstrates the preservation and restoration of the regulated environmental features in a natural state to the fullest extent possible.

**(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 a part of sectional map amendment. This provision is not applicable to the subject application because the property was rezoned to the comprehensive design zone through two basic plan applications, 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 Brandywine Village project is not a regional urban community.

- d. **Variance applications:** Included with this application are two variance applications. Section 27-515(b)(7) (Footnote 29) of the Zoning Ordinance restricts townhouses in the L-A-C Zone to a maximum of 40 percent of the total dwelling units. The CDP proposes 100 percent of the dwelling units to be townhouses. As is more fully set forth below, the applicant is requesting a variance from the maximum townhouse percentage requirement. In addition, the applicant also requests a variance from the provisions of Section 27-480(b) of the Zoning Ordinance, which provides that, unless the property is within one-half mile of an existing or planned Washington Metropolitan Area Transit Authority (WMATA) Metrorail station, the minimum lot area requirement for townhouses should be 1,800 square feet. Section 27-515(b)(7) (Footnote 29) also provides that the limitation on the percentage of townhouse units does not apply in the L-A-C Zone if any portion of the property is located within a transit district overlay zone or within one-half mile of an existing or planned WMATA transit station. One such station is located directly across US 301 from the subject property, clearly within one-half mile. The master plan notes that the station could be operated by either WMATA or the Maryland Transit Authority (MTA).

Adding further support is the fact that, in August 2010, MTA released the Southern Maryland Transit Corridor Preservation Study proposing a transit stop in the same location on US 301 as the master plan. Thus, while a transit stop is proposed within one-half mile of the property, it cannot be conclusively identified at this time as a WMATA transit station. In addition, a Court Order recently reversed the approval of the 2009 Subregion 5 Master Plan and Sectional Map Amendment. The governing master plan now is the 1993 Subregion V Master Plan and SMA. With the 1993 plan there is no transit recommended, and the variance is quite necessary. Since the proposed



development in this CDP hinges on approval of the two variance requests, it must be analyzed at this time to ensure that the overall goals of the development can be achieved as planned.

Section 27-230 of the Zoning Ordinance allows variances to be approved if the Planning Board can make the findings in this situation as follows:

- (a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
  - (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The subject property is located between US 301 and General Lafayette Boulevard and has exceptional narrowness, shallowness or shape, exceptional topographic conditions, or other extraordinary situations or conditions which directly relate to the variance requested (Section 27-230(a)). The subject site is part of an assemblage of land in single ownership that consists of 44 acres. However, 11.62 acres of the site (26 percent) is in the 100-year floodplain that bisects the development into two distinct parts. The proposed development also abuts Chadds Ford Drive, which provides access to the Chadds Ford community that is located to the south and west sides of the proposed development. As indicated above, the property was at one time part of the total land area that includes Chadds Ford. The property, however, cannot be developed as a single tract of land because it is bisected by a stream valley, providing a natural separation between the proposed commercial development and the residential development. The land proposed for residential development is narrow, backs up to the existing stream with a dramatic change of topography, and is located directly across from a portion of the Chadds Ford development which is developed mostly with townhouses and some small single-family detached lots (6,500 square feet). The narrowness of the developable area caused by the environmental limitations, the existing townhouses located across General Lafayette Boulevard, plus the additional General Plan factors discussed below, make townhouse development the most appropriate land use. In addition, at the time of basic plan approval for the residential property, the District Council specifically identified two types of residential products including two-over-two and traditional townhouse. Two-over-two or "stacked townhouse" units have the appearance of a townhouse, but they are taller and are usually accessed via alleys at the rear. Due to the topographical changes on the stream valley side, two-over-two dwellings cannot be located along the stream valley side. Along General Lafayette Boulevard, the existing community across the street is composed of traditional townhouses and small-lot single-family houses. The larger massing and building height of the two-over-two dwellings are not

aesthetically harmonious with the existing streetscape. Moreover, in most parts of the residential section, there is not enough land depth left after siting one row of townhouses along the stream valley side to provide two rows of the two-over-two dwellings that will conceal the valley from views from General Lafayette Boulevard. Thus, both the narrowness of the property and other extraordinary conditions support the granting of the variance in this instance.

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

In this case, all types of residential dwelling units are permitted. Footnote 29, however, addresses the percentage of such dwelling unit types that can be constructed. The applicant argues in the statement of justification that altering the allowed percentage constitutes an area variance. The appellate courts of Maryland have made clear distinctions between the criteria applicable to a use variance, which changes the character of the zoning district, and an area variance, which does not. For example, see *Roeser v. Anne Arundel County*, 368 Md. 295, 793 A.2d 545 (2002), which quotes E.C. Yokley, *Zoning Law and Practice* Section 21-6, 321, Vol. 3, 4th Edition, Michie (for the difference between “use” and “area” variances as “a use variance is one that permits a use other than that prescribed by the Zoning Ordinance in a particular district. An area variance has no relationship to a change of use. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by the restrictions of a Zoning Ordinance.”) The applicant is proposing to construct a permitted use in a manner other than that prescribed by the Ordinance. In *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 28 Md. App. 28, 322 A.2d 220 (1974), the Court of Special Appeals states that, “Use variances are customarily concerned with ‘hardship’ cases where the land cannot yield a reasonable return if used only in accordance with the use restrictions of the Ordinance and a variance must be permitted to avoid confiscatory operation of the Ordinance, while area variances are customarily concerned with ‘practical difficulty’.” In the case of Section 27-130, the standard of practical difficulty applies. In *Anderson, Id.*, the Court of Appeals went on to state:

“Where the standard of ‘practical difficulty’ applies, the applicant is relieved of the burden of showing a taking in a constitutional sense, as is required under the ‘undue hardship’ standard. In order to justify the grant of an area variance, the applicant need show only that:

- “1. Whether compliance with the strict letter of the restrictions governing areas, setback, frontages, height, bulk density would unreasonably prevent the owner from using the property for a permitted use or would render conforming with such restrictions unnecessarily burdensome.

- “2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved would be more consistent with justice to other property owners.
- “3. Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. *McClain v. Soley*, 270 Md. 208, 214-215, 310 A.2d 783, 787 (1973), quoting 2 Rathkopf, *The Law of Zoning and Planning*, 45-28-29 (3d Ed., 1972).”

The applicant submits that the test of practical difficulty is satisfied in this case. First, compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a permitted use or render conformance with such restrictions unnecessarily burdensome. At the time the basic plan application was approved, the applicant originally applied to rezone the residential portion of the property to the R-M Zone. However, staff noted that such a zone would not conform to the General Plan recommendation for a possible future center. In order to implement the General Plan recommendation, staff recommended the L-A-C Zone in order to achieve a density more supportive of proposed future mass transit. The applicant agreed to amend the application and the District Council approved the rezoning with a recommendation that the land use be limited to townhouses and two-family attached (two-over-two) dwelling units. Neither multifamily nor single-family detached units were among the approved residential product types. The variance requested by the applicant is necessary to comply with the land use types approved by the basic plan and comply with the recommendations of the General Plan. Given the physical constraints presented by the shape of the property, requiring strict compliance with the regulation would dramatically reduce the achievable density and unreasonably prevent the applicant from using the property in the manner encouraged by the basic plan. Granting the variance would do substantial justice to the applicant and others, since granting the variance is necessary to achieve compliance with the recommendations of the master plan and the land use types approved by the General Plan. Finally, the variance requested can be granted such that the spirit of the Ordinance will be observed. The Zoning Ordinance clearly states that restrictions on dwelling unit types do not apply in transit district overlay zones or near future transit stops. The property was rezoned to the L-A-C Zone to conform to the desire to create density around centers in a manner that encourages transit ridership. Even though the operator of the proposed transit line has not yet been determined to be WMATA, the intent of the Zoning Ordinance is met by planning for the future transit stop.

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

As indicated above, granting the requested variances is necessary to ensure that the recommendations of both the General Plan and the basic plan are observed. Thus, granting the variance will not substantially impair the intent, purpose, or integrity of either document. It was determined during the processing of the basic plan application that the L-A-C Zone was the appropriate zone to achieve compliance with the General Plan recommendation for a future center. The goal was to achieve a greater density and high-quality development near a future transit stop. The variance will allow for densities in accordance with quantities approved by the basic plan. However, in order to achieve a high-quality development and avoid a monotonous development due to limited housing products, the applicant should provide a minimum of three different types of townhouse product and limit the total number of small lots (lot size between 1,500 and 1,550 square feet) to no more than 40 percent of the total dwelling units on the site. The types of townhouses provided should be distinctive in design and finish materials and be submitted at time of SDP review.

In summary, the exceptional narrowness, shallowness and shape, exceptional topographic conditions, and other extraordinary conditions, that only two housing products are permitted by the basic plan approval, coupled with the high-density land development vision identified in both the General Plan and basic plan, make the variance from the townhouse percentage as stated in Section 27-515(b)(7), Footnote 29, and minimum lot size for townhouses as stated in Section 27-480(b), necessary in order for the applicant to achieve its development goals, while achieving a high-quality development project at the subject site. Granting the requested variances will not substantially impair the intent, purpose, or integrity of the General Plan (the 2009 Subregion 5 Master Plan was invalidated by the Court). In fact, granting the requested variance will make the proposed development consistent with the land use recommendations of both the General Plan and the approved basic plan. In addition, the relief requested by the applicant can be granted in such a fashion that the spirit of the Zoning Ordinance will be observed. As noted above, the options for complying with Section 27-515(b)(7), Footnote 29, have already been altered by the limitation on the type of dwelling units imposed by A-9996. Clearly, the condition was intended to limit the dwelling unit type on the property to some form of attached units. This does not mean, however, that every unit must be identical and result in a monotonous architectural design. In order to achieve a high-quality development and avoid possible monotonous development, the applicant should provide a minimum of three attached housing types and limit the total number of smaller lots to no more than 40 percent of the total dwelling units within this development. Additional development standards for both the residential and commercial section have also been provided in Finding 11. Sufficient variation in townhouse unit types will provide a visually-varied streetscape and an interesting community. The Planning Board, therefore, approved variances with conditions, as included this resolution.

9. **Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** This site is subject to the Woodland and Wildlife Habitat Conservation Ordinance

and the Tree Canopy Coverage Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Natural Resources Inventory, (NRI-038-12) and a Type I Tree Conservation Plan (TCPI-047-96-06) were approved previously.

- a. A Natural Resources Inventory, NRI-038-12, for the subject property was approved on July 12, 2012. The regulated environmental features shown on the revised NRI have been correctly shown on the CDP and TCP1. No additional information is required with regard to the NRI.
  - b. A Type 1 Tree Conservation Plan, TCP1-009-12, has been submitted with this CDP. The current zoning (L-A-C) of the subject property has a woodland conservation threshold of 15 percent. The zoning condition of approval sets the required threshold at 20 percent of the net tract, or 5.10 acres, which is correctly reflected in the TCP1 worksheet. The TCP1 proposes to clear 30.99 acres of on-site woodland resulting in a woodland conservation requirement of 15.53 acres. The requirement is proposed to be met with 1.87 acres of on-site preservation, 1.81 acres of on-site afforestation/reforestation, and 11.86 acres of off-site woodland conservation credits.
  - c. Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned L-A-C are required to provide a minimum of ten percent of the gross tract area in tree canopy. The amount of tree canopy required for the L-A-C Zone is 4.40 acres. During future reviews of SDPs and building permits, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance. A tree canopy coverage schedule will be required to be added to each SDP, to show how the tree canopy requirement is being met.
10. **Further Planning Board Findings and Comments from Other Entities:** Referral requests concerning compliance of the subject CDP with current ordinances and regulations have been sent to the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and to other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

**Internal Divisions and Sections**—The following are summaries of major comments regarding this application from the internal divisions and sections of M-NCPPC, as follows:

- Community Planning Division
  - Environmental Planning Section, Countywide Planning Division
  - Transportation Planning Section, Countywide Planning Division
  - Historic Preservation Section, Countywide Planning Division
  - Special Projects Section, Countywide Planning Division
  - Subdivision Review Section, Development Review Division
- a. **Community Planning**—The Planning Board noted that the subject property is affected by a Court Order that reversed the approval of the 2009 Subregion 5 Master Plan and

Sectional Map Amendment. Until the updated plan and sectional map amendment are reapproved, the official master plan governing this site is the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V*, although the land use recommendations in the 1993 master plan are obsolete due to intervening approved basic plans for the site and the General Plan that updated the land use and Development Pattern policies for the Developing Tier, in that the proposed residential density (8–12 du/acre) is within the density range for residential land uses in the General Plan in the Edge area of a community center (4–20 du/acre). Regardless, this application conforms to the land use plan recommendations in the 2009 Preliminary Subregion 5 Master Plan that recommends residential and commercial land uses for the site.

- b. **Environmental Planning**—The Planning Board reviewed the subject application for conformance with applicable regulations and requirements including those of the General Plan, the Subregion V Master Plan and SMA, the 2005 *Approved Countywide Green Infrastructure Plan*, the Woodland and Wildlife Habitat Conservation Ordinance, and the Tree Canopy Coverage Ordinance, as well as applicable conditions of previous approvals. The Planning Board also noted that there are three specimen trees identified on the subject property. Those trees are all located within the primary management area. However, there will be impacts to the critical root zones of Specimen Trees 2 and 3. A variance to Subtitle 25 may be required in the future. The Planning Board concluded that the CDP and TCP1 meet all of the applicable regulations and conditions of previous approvals, and recommended approval of CDP-1201 and TCP1-009-12 subject to four conditions that have been included in this resolution.
- c. **Transportation Planning**—The Planning Board reviewed the Traffic Impact Study submitted with this CDP, review comments from DPW&T and SHA, the CDP plan, and previous conditions attached to the Basic Plans. A road club will be created to fund the construction of certain additional off-site transportation improvements. With those identified transportation improvements to be constructed, the Planning Board concludes that the staging of the development will not be an unreasonable burden on available transportation facilities as required under Section 27-521(a)(7), Required Finding for approval of a CDP regarding staging of the development, with six conditions that have been included in this resolution as follows:
  1. **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 office and retail development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:**

- **A fee calculated as \$1.24 per gross square foot of space X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993).**
- **For residential development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:**
- **A fee calculated as \$1,338 per dwelling unit X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR 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. Construct an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.**
  - j. Construct interchange in the area of MD 5 and A-63 north of T.B.**
  - k. Construct 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.**



2. **Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. 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).**
  3. **Access to the residential portion of the site shall utilize a full access at the median break along General Lafayette Boulevard. All other access points to the residential portion shall be right-in right-out access with no median break.**
  4. **Prior to the issuance of any building permits within the subject property, the following road improvements along Chadds Ford Drive shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**
    - a. **Provision of two westbound lanes along Chadds Ford Drive between US 301/MD 5 and General Lafayette Boulevard.**
    - b. **Provision of an exclusive left-turn and right-turn lanes on the commercial access approach to Chadds Ford Drive.**
    - c. **The applicant shall be responsible for any additional turn lanes or signage at the commercial access roadway intersection with Chadds Ford Drive that are needed to ensure safe access per DPW&T standards.**
  5. **The typical section of the commercial roadway should be re-reviewed as a part of specific design plan review to consider a center left-turn lane at key driveway locations along its length. Also, the typical section should be modified to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot pavement section.**
  6. **The CDP shall be modified to delete the right-in right-out driveway onto US 301/MD 5.**
- d. **Transportation Planning: Trails**—The Planning Board reviewed the subject CDP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The Planning Board also provided a review of

the CDP for conformance with the applicable conditions of previously approved Basic Plans A-9996-C and A-9997-C. The Planning Board concluded that, from the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the findings required for a CDP. Six trail-related conditions have been included in this resolution.

- e. **Historic Preservation**—The Planning Board noted that a Phase I archeology survey was conducted on the subject property in February 2013. Based on the results of the Phase I survey, no cultural material was identified and no archeological sites were delineated. Due to the lack of cultural material or identified archeological sites, no further work was recommended on the Brandywine Village, Section 8, property. The Planning Board concluded that no further archeological investigations are necessary on the Brandywine Village, Section 8, property.
- f. **Special Projects**—The Planning Board reviewed the existing and planned public facilities, including police, fire and rescue, schools, and water and sewerage facilities that will serve the Brandywine Village project. There is adequate police, fire and rescue, and water and sewer facility capacity to serve the proposed development. Regarding schools, County Council Bill CB-31-2003 established a school facilities surcharge that is applicable to this project. The applicant will pay the per-unit charge, to be adjusted for inflation at time of issuance of each building permit. The current amount for each building permit is \$15,020.
- g. **Subdivision Review**—The Planning Board reviewed the proposed private roads and alleys, and indicated that Section 24-128 of the Subdivision Regulations authorizes the use of private roads and alleys in the L-A-C Zone. Specifically, in this instance, the property is subject to Section 24-128(b)(7)(A). The CDP shows a hierarchy of rights-of-way to provide access and circulation for the development that needs to be authorized through the subdivision process. In addition, some townhouses are fronting on a private street rather than a public street. A variation is required for those townhouses and may be granted by the Planning Board in accordance with the required findings in Section 24-113, at the time of preliminary plan of subdivision. The Planning Board concluded that there are no other subdivision issues at this time. A more detailed review of the lot and parcel layout and circulation will occur at the time of preliminary plan of subdivision review.

**Other Governmental Agencies include:**

- The Washington Suburban Sanitary Commission (WSSC)
- The Maryland State Highway Administration (SHA)
- Prince George’s County Department of Parks and Recreation (DPR)
- Prince George’s County Health Department
- Prince George’s County Department of Public Works and Transportation (DPW&T)
- Prince George’s County Police Department

- h. **The Washington Suburban Sanitary Commission (WSSC)**—WSSC had not responded to the referral request at the time this resolution was written.
- i. **The Maryland State Highway Administration (SHA)**—In a memorandum dated August 20, 2012 (Katzenberger to Zhang) SHA stated that they have no objection to M-NCPPC approval of this CDP. SHA records indicate that improvements within state right-of-way have either been completed or under permit/survey.
- j. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated November 20, 2012 (Sun to Zhang), DPR indicated that only the residential section of the proposed development is subject to mandatory dedication of parkland, which is 15 percent of the land area. Since there is a high need for recreational facilities in the Brandywine area and the site is constrained by a stream valley, DPR recommends a fee-in lieu of land dedication. A condition has been included in the Recommendation Section of this report.
- k. **Prince George’s County Police Department**—In a memorandum dated August 30, 2012 (Dadzie to Zhang), the Police Department stated that there are no crime prevention through environmental design (CPTED) concerns at this time for Brandywine Village.
- l. **Prince George’s County Department of Public Works and Transportation (DPW&T)**—In a memorandum dated September 29, 2012 (Abraham to Zhang), DPW&T provided comments on various issues including sidewalk, trails, stormwater management, street lighting, culs-de-sac, access, and alleys. DPW& T also requires that alleys have a turnaround at the end.  
  
Private alleys have been widely used in the site design. The length of the alleys is varied. Since the graphic provided with the CDP is for illustrative purposes, specific design of each alley will be further reviewed at the time of SDP in accordance with DPW&T standards. A condition has been included in the Recommendation section of this report that each alley should provide turnaround treatment at the end if it is more than 150 feet long, or as determined at the time of SDP, in appropriate locations in accordance with DPW&T standards.
- m. **Prince George’s County Health Department**—In a memorandum dated August 31, 2012 (Wise to Zhang), the Health Department provided comments regarding provision of healthy food choices within a half-mile radius of the site, noise mitigation, safe pedestrian access to amenities, lighting fixtures, water conservation through water reuse, air pollution prevention, recreational facilities, residential community garden, and engaging the public in the review process.

The application includes residential and commercial sections. In the commercial section, commercial office, medical office, and retail uses such as restaurant have been identified.

There is no grocery included in this application. However, an integrated shopping center with grocery stores, such as Safeway, is located across Crain Highway (US 301) from the subject site. Future residents can purchase healthy food from those grocery stores.

A comprehensive pedestrian system consisting of sidewalks, stream valley trails, and other pedestrian connections between the two sections has been proposed with this CDP. The pedestrian system is also linked into a similar system in the larger Brandywine Village community that will provide access to amenities in the vicinity of the development. This pedestrian system will provide future residents plenty of opportunities to explore outdoor activities and lead to positive health outcomes.

The applicant also provides a narrative on how the development will address sustainability issues. The discussion includes various green building measures including site-related techniques such as reuse of rainwater for landscaping purposes. Since many sustainable measures are related to building construction, those green building techniques will be further identified at SDP review when needed information is available.

A noise study has been provided during the review process. According to the review by the Environmental Planning Section, the transportation-related noise generated from US 301 will be properly mitigated.

Prevention of light pollution, especially light spill-over from the commercial site to the residential site, has been one of the major focuses of the development review process. The application has proposed to use full cut-off lighting fixtures to avoid light spill-over. A condition has been included in the Recommendation section of this report to require full cut-off lighting fixtures to be used in this development for all exterior lighting purposes, and a photometric study should also be submitted with the SDP covering the commercial section of the development to ensure that the lighting level at the residential property line does not exceed 0.05 foot-candles.

Maximizing residents' access to healthy foods, including promoting a community garden, is one of the current trends in building a sustainable community. In this development, an opportunity to create a community garden will exist when a centrally-located community green open space area is developed to meet the density increment requirements. The applicant should explore the community garden concept at the time of SDP review and submittal. A condition has been included in the Recommendation Section of this report.

11. **Urban Design Section's Review of Design Standards:** The Urban Design Section has reviewed the proposed design standards for both the residential and commercial development and is in general agreement with those proposed by the applicant, with some suggested revisions to both the zoning indicators and architecture design guidelines. Additional standards that are applicable to both the residential and commercial sections are also included as follows:
  - a. **Residential Section:** A total of 191 single-family attached units has been proposed in this CDP. The L-A-C Zone requirement limits the maximum percentage of townhouses to

40 percent. A variance application has been filed with this application to request that 100 percent of the units be allowed to be townhouses in this development (see Finding 8 above).

**Zoning indicators**

The following standards govern the development of the residential section:

RESIDENTIAL USES

	Garage Townhouses	Non-Garage Townhouses
Minimum Lot size:	1,500 s.f.	1,500 s.f.‡
Minimum frontage at street R.O.W:	20 feet	20 feet
Minimum frontage at Front B.R.L.	20 feet	20 feet
Maximum Lot Coverage	80%	60%
Minimum front setback from R.O.W.	13 feet*	15 feet
Minimum side setback between buildings:	25 feet	25 feet
Minimum rear setback:	18 feet**	16 feet**
Parking Spaces	2.04 per du***	2.04 per du***
Minimum distance between rows of Townhouses	15 feet	15 feet
Minimum Density	8.0 du/ac.****	8.0 du/ac.****
Maximum Density	12.1 du/ac.****	12.1 du/ac.****

**Notes:** \* Stoops and/or steps may encroach into the front setback, but shall not encroach more than five feet into the yard.

\*\*Decks and patios can intrude 50% (9 feet for 18-foot setback and 8 feet for 16-foot setback) into the rear setback areas.

\*\*\*Parking: The Zoning Ordinance requires 2.04 parking spaces per townhouse dwelling unit. The proposed CDP has 191 townhouses and therefore requires a total of 390 parking spaces. The code takes into account visitor parking by requiring two spaces per townhouse, plus an additional 0.04 spaces per unit for visitor parking. Each of the 109 garage townhouses includes two garage spaces (for a total of 218 spaces). Along the streets, 230 parking spaces are provided mostly in front of or adjacent to non-garage units. In total, the townhouse portion of the development has 448 parking spaces. While this exceeds the required 390, it also does not count driveways in both the garage and the non-garage lots that are capable of providing additional legal parking spaces. Sufficient is provided for both residents and guests.

\*\*\*\* Does not apply specifically to garage and non-garage units, but is the overall density of the residential component of the property.

### **Architecture design guidelines**

Residential architecture shall be designed in accordance with the guidelines provided with this application including design requirements for roofs, doors, windows, façade materials, façade elevations, and color schemes as contained in the booklet.

### **Private recreational facility and green open space**

The subject site is a linear land strip bounded on one side by a stream valley and on the other side by the right-of-way of General Lafayette Boulevard. The narrowest part of the site is slightly over 300 feet. Given the scale of the residential development and the shape of the site, it is not economically practical to maintain several small green open spaces. Since this development is moderate in size, a centrally-located community green open space as a focal point should be provided, preferably to the north of the stormwater management pond on Parcel A, with a minimum 382,000 square feet, which is the required size in accordance with density increment Factor 2 discussed above. The rest of the private on-site recreational facilities should also be provided on this location.

### **Streetscape**

Given the shape of the site, a spine road has been proposed in the residential section to be parallel to both the stream and General Lafayette Boulevard. The streetscape should take the view into green open space into consideration when siting houses, to avoid a monotonous streetscape of townhouses. A minimum 50-foot-wide opening between building sticks should be provided in the middle of the north section of the spine road to provide the view into green open space and visually enhance the streetscape along that road section. The pavement width of the spine road should be no less than 26 feet. If on-street parking is provided on the spine road, the parking area should be outside of the 26-foot-wide pavement. Other streets, except for alleys, should have a minimum 22-foot pavement width. Sidewalks should be provided on both sides of the spine road to the extent practical in the residential section.

### **Alleys**

The right-of-way width of the proposed alleys should be a minimum 18 feet with the rear of the buildings set back a minimum of 19 feet on both sides of the alleyway. A minimum four-foot-wide landscape strip should be provided between the driveways to each unit, to be planted with one shade tree. Landscaping should be provided at the end of the alley. The distance between buildings on both sides of the alley should be no less than 58 feet. Each alley should provide turnaround treatment at the end if it is more than 150 feet long, or as determined at the time of SDP, in appropriate locations in accordance with DPW&T standards.

- b. **Commercial Section:** Approximately 218,500 square feet of commercial and retail uses including medical office space have been proposed in this CDP. The commercial use is located along US 301 in the eastern part of the site—the commercial section. The CDP provides the following design standards governing future development of the commercial section:

### **Zoning indicators**

#### COMMERCIAL USES

Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings:	100 feet
Minimum rear setback:	10 feet
Minimum corner setback to side street R-O-W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

### **Architecture design guidelines**

The commercial architecture design guidelines are intended to promote good design that is responsive to its contextual setting. Specifically, those design guidelines are conceived to achieve objectives as follows:

- Enhance the human scale of this commercial development and respect the scale and character of adjacent residential neighborhoods.
- Mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to comparatively large commercial buildings.
- Strengthen pedestrian connections and improve the pedestrian environment.
- Provide flexibility to respond to the unique characteristics and constraints inherent in commercial development and to evolving commercial development configurations.
- Promote building designs and practices that are adaptable to multiple uses for extended building lifecycles.
- Minimize negative impacts from on-site commercial activities to adjacent residential uses.
- Balance the economic requirements of the development with the aesthetic concerns of the community.

The commercial architecture design guidelines cover issues of building character and context, massing, design of pedestrian frontages, architectural details, materials, and colors.

### **Roadway**

The pavement width of the spine road in the commercial section should be a minimum 26 feet. The pavement width at the main entrance area off Chadds Ford Drive should be a minimum 36 feet. Sidewalks should be provided along both sides of the spine road.

- c. **Standards applicable to both residential and commercial sections:** The following standards should govern the entire development:

### **Pedestrian circulation**

Sidewalks should be provided along the spine roads in both the residential and commercial sections. In the residential section, sidewalks should be provided on both sides of the spine road. All internal pedestrian walkways should be looped.

### **Signage**

All signs included in this development should be designed in conformance with the sign design guidelines proposed in this application including primary project identification signs, secondary project identification signs, internal neighborhood identification signs, directional signs, banners and flags, parking identification signs, and individual site identification signs. The sign design guidelines also provide requirements for both temporary and prohibited sign types. Specific sign dimensions will be determined at the time of SDP with reference to the relevant requirements of Part 12 of the Zoning Ordinance.

### **Lighting Fixtures**

All exterior lighting fixtures used in this development, including both the residential and commercial sections, should be full cut-off luminaires.

### **Green Building Techniques**

Green building techniques, in accordance with LEED or other equivalent green building rating systems, should be identified at the time of SDP for both the commercial and residential sections when building information is available. For the commercial development, a minimum of four green building techniques should be included in the design and construction. For the residential development, green building techniques including site-related measures should be incorporated into the development to the extent practical. All appliances should be energy-efficient and Energy Star® labeled. At the time of SDP, the applicant should explore community garden concepts when designing the community green area.

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 (TCP1-009-12), and further APPROVED the Comprehensive Design Plan CDP-1201, Brandywine Village for the above described land, including Variances from Section 27-480(b) and Section 27-515(b)(7), subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan (CDP), the applicant shall:
  - a. Remove or increase the width of the 12-foot-wide alley (Type C), or obtain a variation at time of subdivision approval.
  - b. Revise the existing standard sidewalk along the subject site's frontage on General Lafayette Boulevard to an eight-foot-wide concrete sidewalk, unless modified by the Department of Public Works and Transportation (DPW&T).
  - c. Provide standard sidewalks along both sides of all major internal roads serving residential uses (roads 26 feet or wider), unless modified by the Department of Public Works and Transportation (DPW&T), except that the sidewalk for lots opposite the stormwater management pond/community open space shall be located along the front of the units.
  - d. Provide a new stormwater management concept approval letter/or technical approval.
  - e. Relocate the stream valley trail outside the primary management area. This trail shall extend from Chadds Ford Drive to the trail connecting to the commercial space as shown on the CDP.
  - f. Provide striping for a designated crosswalk across General Lafayette Boulevard at Chadds Ford Drive at the locations of the existing curb cuts and ADA (Americans with Disabilities Act) ramps.
  - g. Provide CDP notes as follows:

“If large expanses of surface parking are provided within the commercial area, sidewalks or designated walkways shall be provided at appropriate locations to be determined at the time of specific design plan.”

“All exterior lighting fixtures shall be fully cut-off type.”
  - h. Add a paragraph on the application of green building techniques in this development as part of the proposed design guidelines in the CDP text under the title “Sustainability.”
  - i. Revise the Type 1 tree conservation plan (TCP1) as follows:
    - (1) All clearing of the primary management area on the east side of the stream valley on Parcel 4 shall be eliminated, except for approved stormwater management outfall.

- (2) “Wood preserved–not credited” must be revised to “woodland retained–not credited” on all legends on the plan sheets.
  - (3) Include the graphic for off-site woodland clearing in the legend, and include any off-site clearing in the right-of-way in the woodland conservation worksheet and the woodland conservation summary table.
  - (4) Revise Note 9 to indicate that Robert Crain Highway (US 301) is classified as a freeway and A-55 is classified as an arterial.
  - (5) Revise Note 10 to complete the note by adding the phrase “effective September 1, 2010.”
  - (6) Show the disposition of specimen trees in the specimen tree table.
  - (7) Correct the TCP1 number format in the approval block, include an approval block on all plan sheets, and add previous approvals to the approval block.
  - (8) Add a woodland conservation summary table on each sheet.
  - (9) Revise the plan to show all single-family attached lots to be located a minimum of ten feet from the primary management area (PMA) delineation in order to allow access and maintenance to the rear of townhouse lots adjacent to the PMA.
  - (10) Revise the plan to show all woodland conservation areas set back a minimum of ten feet from all townhouse lot lines in order to allow access and maintenance to the rear of all townhouse lots.
  - (11) Revise the woodland conservation worksheet as necessary to reflect all of the revisions required above.
  - (12) Have the revised plan signed and dated by the qualified professional who prepared it.
- j. Revise the CDP and Type 1 tree conservation plan to show that primary management area impacts related to the eastern stormwater management pond on the site shall be limited to those necessary for the stormwater management outfall as shown on the approved stormwater management concept plan.
- k. Revise the CDP and Type 1 tree conservation plan to show the location of all unmitigated noise contours 65 dBA Ldn or greater adjacent to roads classified as arterials or higher at both ground and upper levels.
- l. Remove the access point off US 301/MD 5 to the commercial section, if a waiver from the requirements of Section 24-121(a)(3) is not granted.

- m. Revise the access points off General Lafayette Boulevard to the residential section to allow one full access at the median break. All other access points to the residential section shall be right-in right-out access with no median break along General Lafayette Boulevard.
- n. Add a symbol on the north side of the stormwater management pond to designate the location of a community green area. The amenities provided in this area will be determined at the time of specific design plan.
- o. Revise the CDP plan to show a pedestrian connection along the west side of the stormwater management pond while still maintaining a minimum street width of 26 feet.

2. The development of the property covered by this CDP is subject to the following standards:

RESIDENTIAL USES

	Garage Townhouses	Non-Garage Townhouses
Minimum Lot size:	1,500 s.f.‡	1,500 s.f.‡
Minimum frontage at street R.O.W:	20 feet	20 feet
Minimum frontage at Front B.R.L.	20 feet	20 feet
Maximum Lot Coverage	80%	60%
Minimum front setback from R.O.W.	13 feet*	15 feet
Minimum side setback between buildings:	20 feet	20 feet
Minimum rear setback:	18 feet**	16 feet**
Parking Spaces	2.04 per du***	2.04 per du***
Minimum distance between lot lines of Townhouses	10 feet	10 feet
Minimum Density	8.0 du/ac.****	8.0 du/ac.****
Maximum Density	12.1 du/ac.****	12.1 du/ac.****
Minimum Width of Alleys	18 feet*****	18 feet*****

**Notes:** ‡ No more than 40 percent (74 Units) of the total townhouse lots shall be smaller than 1,550 square feet. No townhouse lot shall be smaller than 1,500 square feet. The minimum lot width of any townhouse within this development shall be 20 feet.

\* Stoops and/or steps may encroach into the front setback, but shall not encroach more than five feet into the yard.

\*\*Decks and patios can intrude 50% (9 feet for 18-foot setback and 8 feet for 16-foot setback) into the rear setback areas.

\*\*\*Parking: The Zoning Ordinance requires 2.04 parking spaces per townhouse dwelling unit. The proposed CDP has 191 townhouses and therefore requires a total of 390 parking spaces. The code takes into account visitor parking by requiring two spaces per townhouse, plus an additional 0.04 spaces per unit for visitor parking. Each of the 109 garage townhouses includes two garage spaces (for a total of 218 spaces). Along the streets, 230 parking spaces are provided mostly in front of or adjacent to non-garage units. In total, the townhouse portion of the development has 448 parking spaces. While this exceeds the required 390, it also does not count driveways in both the garage and the non-garage lots that are capable of providing additional legal parking spaces. Sufficient parking is provided for both residents and guests.

\*\*\*\* Does not apply specifically to garage and non-garage units, but is the overall density of the residential component of the property.

\*\*\*\*\* Alleys provide adequate turnaround space for normal traffic. However, typical hammerhead turnarounds, in accordance with DPW&T standards, may be provided in appropriate locations on alleys as determined at the time of SDP. Turnaround facilities may not be necessary or appropriate in all alley locations.

**Other Residential Section Requirements**, as contained in Finding 11 above, including standards for architecture design, private recreational facilities and open space, streetscape, and alleys govern the development of the residential section.

#### COMMERCIAL USES

Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings:	100 feet
Minimum rear setback:	10 feet
Minimum corner setback to side street R-O-W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

**Other Commercial Section Requirements**, as contained in Finding 11 above, including standards for architecture design, and roadway govern the development of the commercial section.

#### OVERALL DEVELOPMENT

**Standards that are applicable to both Residential and Commercial Sections**, as contained in Finding 11 above, including standards for pedestrian circulation, signage, lighting fixtures and green building techniques govern the development of the entire project.

3. Prior to signature approval of the Preliminary Plan of Subdivision 4-12007, the applicant shall:
  - a. Evaluate paying a fee-in-lieu to meet the requirements for mandatory dedication of parkland.
  - b. Evaluate the necessity of additional trail or sidewalk connections between residential and commercial sections.
  - c. Evaluate and select the best ownership option for land where pedestrian connections will be located to ensure their perpetual maintenance.
  
4. At the time of specific design plan, the applicant shall:
  - a. Provide a minimum of three distinctive townhouse types.
  - b. Provide a photometric study for the commercial site.
  - c. Demonstrate a clear area on the commercial site to be preserved along its northern property line to ensure a future vehicular access to the property to the north.
  - d. Ensure that all HVAC units meet Energy Star<sup>®</sup> performance levels.
  - e. Provide sidewalks or designated walkways where there are large expanses of surface parking within the commercial area.
  - f. Explore a community garden concept in the design of the community central green area in the residential section.
  - g. Provide a minimum of four green building techniques in design and development of each building in the commercial section.
  - h. Explore the possibility of using green building techniques, including those with energy efficiency and water conservation features in the residential section, to the extent practical.
  - i. Submit details of all lighting fixtures for review, along with certification that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels. The following note shall be placed on all future specific design plans:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
  - j. Consider a center left-turn lane at key driveway locations along its length of the commercial roadway and modify the typical section of the roadway to provide two lanes

approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot pavement section.

5. The applicant and/or the applicant's heirs, successors, or assigns 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.
  - a. For Commercial Sections on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

"A fee calculated as \$1.24 per gross square foot of space X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)".
  - b. For Residential Section on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

"A fee calculated as \$1,338 per dwelling unit X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)."
  - c. 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.
  - d. 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.). The 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 the spine road crosses US 301 northeast of T.B.
  - (8) Reconstruct the traffic signal at MD 5/Brandywine Road.
  - (9) Construct of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
  - (10) Construct of an interchange in the area of MD 5 and A-63 north of T.B.
  - (11) Construct of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Road/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.
6. Prior to the issuance of any building permits within the commercial portion of the subject property, the following road improvements along Chadds Ford Drive shall (1) have full financial assurances, (2) have been permitted for construction through the operating agency's access permit

process, and (3) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Provision of two westbound lanes (by re-striping, if possible) along Chadds Ford Drive between US 301/MD 5 and General Lafayette Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).
  - b. Provision of an exclusive left-turn and right-turn lanes on the commercial access approach to Chadds Ford Drive.
  - c. The applicant shall be responsible for any additional turn lanes or signage at the commercial access roadway intersection with Chadds Ford Drive that are needed to ensure safe access per DPW&T standards.
7. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. 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.
8. All commercial structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 30, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of June 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator


PCB:JJ:HZ:arj



October 8, 2019

## MEMORANDUM

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

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Long Range Planning, Community Planning Division *BSR*  
David A. Green, MBA, Master Planner, Community Planning Division 

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

SUBJECT: **CDP-1201-01 Brandywine Village**

## 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:** Northwest Quadrant of the Intersection of US 301 (Crain Hwy) and Chadds Ford Drive

**Size:** 44.33 Acres

**Existing Uses:** Mix of Uses (Residential-Townhouses and undeveloped/woodland)

**Proposal:** Increase gross floor area of previously approved commercial/retail, office and medical office space from 218,500 to 220,500 square feet and adding three buildings totaling 20,500 square feet of retail

## CDP-1201-01 Brandywine Village

### GENERAL PLAN, MASTER PLAN, AND SMA

**General Plan:** This application is located in an Established Community. The vision for the “Established Communities is context-sensitive infill and low to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs,” (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 previously approved development application (CDP-1201 Brandywine Village) was evaluated pursuant to the land use recommendations in the 1993 Approved Subregion V Master Plan, made necessary by the court order issued by the Circuit Court for Prince George’s County, Maryland on October 26, 2012 that reversed and voided CR-61-2009, the District Council’s approval of the 2009 Subregion 5 Master Plan and Sectional Map Amendment.

The 2013 *Approved Subregion 5 Master Plan* recommends Commercial and Residential Medium-High land uses on the subject property.

In addition, the subject property is located in the Community Center Edge (Map IV-5: Brandywine Community Center Core and Edges). “Community center edges to the west of MD 5/US 301 should contain a mix of residential and commercial land uses, although these areas are not expected to develop the high-density mix envisioned for the community center core. Commercial uses may be clustered in pods, rather than mixed among residential uses, and residential densities would range from 4 to 20 dwelling units per acre,” (p. 47).

**Planning Area:** 85A

**Community:** Brandywine & Vicinity

**Aviation/MIOZ:** This application is not located within an Aviation Policy Area (APA) or the Military Installation Overlay Zone (MIOZ).

**SMA/Zoning:** The subject property was rezoned to the L-A-C (Local Activity Center) Zone via approval of A-9997 and A-9998, Chaddsford Center (PGCPB 08-73). The 2013 *Approved Subregion 5 Sectional Map Amendment* retained the subject property in the L-A-C (Local Activity Center) Zone.

### MASTER PLAN CONFORMANCE ISSUES:

None

### ADDITIONAL INFORMATION

None

c: Long-range Agenda Notebook

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

October 10, 2019

**MEMORANDUM**

**TO:** Henry Zhang, Urban Design Review Section, Development Review Division

**VIA:** Bryan Barnett-Woods, Supervisor, Transportation Planning Section, Countywide Planning Division

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

**SUBJECT:** CDP-1201-01: Brandywine Village

**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-9996-C and A-9997-C; these approvals were followed by the review of Comprehensive Design Plan CDP-1201 which was approved for 191 residential lots and 218,500 square feet of commercial space. Subsequently, Preliminary Plan of Subdivision 4-12007 was approved for 191 lots and 24 parcels. To date 188 of the 191 approved lots have been developed. SDP-1303 was approved for 188 townhouse dwellings on the residential portion and SDP-1604 was approved for infrastructure on the commercial portion.

The current revision involves only the commercial component of CDP-1201 and would increase the commercial component to 220,500 square feet. No changes to access and circulation are proposed.

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.

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan* (May 2014), and is evaluated according to the following standards:

**Links and Signalized Intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

**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:

<b>Trip Generation Summary: CDP-1201: Brandywine Village</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Townhouses	188	residences	<b>26</b>	<b>106</b>	<b>132</b>	<b>97</b>	<b>53</b>	<b>150</b>
Medical/Professional Office	100,000	square feet	230	55	285	120	260	380
General Office	100,000	square feet	180	20	200	35	150	185
Less Internal Trip Capture			-1	-3	-4	-10	-8	-18
<b>Net Office Trips</b>			<b>405</b>	<b>72</b>	<b>477</b>	<b>145</b>	<b>402</b>	<b>547</b>
Retail	20,500	square feet	12	7	19	81	87	168
Less Internal Trip Capture			-2	0	-2	-4	-6	-10
Less Pass-By (50 percent)			-5	-3	-8	-38	-41	-79
<b>Net Retail Trips</b>			<b>5</b>	<b>4</b>	<b>9</b>	<b>39</b>	<b>40</b>	<b>79</b>
<b>Total Proposed Trips for CDP-1201 (sum of all bold numbers above)</b>			<b>436</b>	<b>182</b>	<b>618</b>	<b>281</b>	<b>495</b>	<b>776</b>

The applicant provided the prior traffic study done for CDP-1201 for reference. Given the small increment of retail space forming the subject of this request (2,000 additional square feet) and the fact that the prior traffic study tested nearly 48,000 square feet of retail space, it was determined that a new traffic study was not needed in support of this application.

The staff's analysis updates all trip generation figures along with all analyses that follow. The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions:

<b>EXISTING TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	US 301/MD 5 and Chadds Ford Drive	1,161	1,423	C
US 301/MD 5 and Matapeake Business Drive	1,095	1,541	B	E
US 301/MD 5 and Cedarville/McKendree Road	1,138	1,765	B	F
Chadds Ford Drive and commercial site access	future			
Chadds Ford Drive and General Lafayette Boulevard	11.3*	10.6*	--	--

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

None of the critical intersections identified above are programmed for improvement with 100% 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 (CIP). Background traffic has been developed for the study area using an extensive listing of approved developments in the area and 1.0 percent annual growth rate in through traffic along US 301 and MD 5. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	US 301/MD 5 and Chadds Ford Drive	1,627	2,074	F
US 301/MD 5 and Matapeake Business Drive	1,561	2,260	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,701	2,419	F	F
Chadds Ford Drive and commercial site access	future			
Chadds Ford Drive and General Lafayette Boulevard	15.5*	18.2*	--	--

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines, Part 1" including the site trip generation as described above, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	US 301/MD 5 and Chadds Ford Drive	1,604	2,068	E
US 301/MD 5 and Matapeake Business Drive	1,565	2,270	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,762	2,505	F	F
Chadds Ford Drive and commercial site access				
Maximum Vehicle Delay (in seconds)	15.4*	174.9*	Pass	Fail
Maximum Minor Street Approach Volume	N/A	570*	--	Fail
Critical Lane Volume	N/A	803*	--	Pass
Chadds Ford Drive and General Lafayette Boulevard				
Maximum Vehicle Delay (in seconds)	14.4*	18.8*	Pass	Pass
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.				

In lieu of providing improvements to the failing intersections noted above, the subject site is required to contribute to the Brandywine Road Club (recommended pursuant to CR-9-2017), as a means of satisfying the adequacy requirements of Section 24-124. The critical intersections of US 301/MD 5 and Matapeake Business Drive, US 301/MD 5 and Chadds Ford Drive, and US 301/MD 5 and Cedarville/McKendree Road, are three of the intersections for which relief is planned by means of the Brandywine Road Club. For each townhouse residence, CDP-1201 includes a fee calculated as \$1,338 per unit which is required to satisfy the requirements of the Brandywine Road Club. For each square foot of commercial space, CDP-1201 includes a fee calculated as \$1.24 (adjusted for inflation) per gross square foot to satisfy the requirements of the Brandywine Road Club. It is noted that the commercial fee per square foot is not consistent with CR-9-2017 and, it is recommended that the rate used in approving CDP-1201 remain in place for the reasons stated in items one and two below:

1. CR-9-2017 states in part that "the formula for calculating fees set forth in this resolution shall not apply to a project with a valid transportation adequacy test approved in a preliminary plan of subdivision by the Planning Board prior to the date of adoption of this resolution." The resolution for PPS 4-12007 was approved on June 20, 2013, and the date of adoption of CR-9-2017 is March 28, 2017. Thus, the calculated rate is based on the CDP requirement only.

2. As indicated in the review of prior conditions later in this memorandum, the addition of the small amount of retail space is within the PPS trip cap, and so a new application is not needed to modify the trip cap.

If a new PPS is reviewed for this site in the future, that approval must comply with CR-9-2017, including the use of the Brandywine Road Club fees as prescribed in CR-9-2017.

#### **Master Plan Site Review**

US 301/MD 5 (F-9) is a master plan freeway facility; per the master plan, the right-of-way varies. No additional right-of-way beyond the current right-of-way is currently recommended. The CDP includes a note that a portion of the existing right-of-way is to be vacated, and this notation was discussed during review of CDP-1201 and allowed to remain on the plan.

General Lafayette Boulevard (MC-502) is a master plan major collector facility with a minimum right-of-way of 100 feet. Right-of-way along this facility has been previously dedicated along the frontage of the site. No further dedication is required.

Access and circulation are unchanged from the original CDP and are deemed to be acceptable.

#### **Review of Conditions on Prior Applications**

The Basic Plan for the site was approved by means of District Council orders approving zoning applications A-9996-C and A-9997-C. The status of the transportation-related Basic Plan conditions for application A-9996-C (A-9997-C has identical conditions numbered 4 through 7) is as follows:

- Condition 2: This condition indicates that the transportation staff shall make master plan transportation recommendations consistent with the applicable master plan. This has been done.
- Condition 3: This condition specifies the intersections to be studied at later stages of review. All intersections were included in the submitted traffic impact study and have been fully considered during review of the original CDP and PPS 4-12007.
- Condition 4: This condition places specific requirements on the future closure of the US 301/MD 5/Chadds Ford Drive intersection. This condition was placed on the other portions of the Brandywine Village development when it was rezoned several years ago. This condition will be carried forward on all approvals. Nothing on this CDP prevents the implementation of this condition.
- Condition 5: This condition supports vehicular access from the eastern portion of the site to the property to the north and requires that it be demonstrated in the future. Pursuant to this condition, this access has been included on the CDP.

The approval includes a consideration that access to the commercial portion of the site be moved westward along Chadds Ford Drive "at a location determined to be of least environmental impact." This access point was discussed at some length with the original CDP, and at that time the transportation planners and staff of the County determined that the commercial access should remain where proposed. The location of this access has not changed with the current submittal.

CDP-1201 included four transportation-related conditions, and the status of these conditions is as follows:

- Condition 4(j): This condition requires that the specific design plan study the commercial roadway more closely to determine if a center left-turn lane is needed at key locations. This will be reviewed when a specific design plan proposing commercial uses is reviewed and must be carried forward with this revision.
- Condition 5: This condition requires that road club contributions be made prior to issuance of building permits. This is enforceable at the time of building permit and must be carried forward with this revision.
- Condition 6: This condition requires improvements to be constructed at the time of development of the commercial portion of the site. This is enforceable at the time of building permit and must be carried forward with this revision.
- Condition 7: This condition is a trip cap that restricts total development of the overall site to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Using trip generation rates from the "Transportation Review Guidelines, Part 1" as well as the most current publications of the Institute of Transportation Engineers (as directed by the above-cited "Guidelines," the additional square footage proposed by this plan will not exceed this trip cap. The trip cap as written must be carried forward with this revision.

PPS 4-12007 included six transportation-related conditions, and the status of these conditions is as follows:

- Condition 18. See Condition 5 of CDP-1201.
- Condition 19. See Condition 7 of CDP-1201. It is noted that this PPS trip cap is identical to the CDP trip cap and will therefore not need to be modified by means of a subdivision application.
- Condition 20. This condition requires that access to the residential portion of the site shall utilize a full access at the median break along General Lafayette Boulevard, with all other access points to the residential portion being right-in/right-out access with no median break. Specific Design Plan SDP-1303 complied with this condition.
- Condition 21. See Condition 6 of CDP-1201.
- Condition 22. See Condition 4(j) of CDP-1201.
- Condition 23. This condition concerns a temporary access to serve the commercial portion of the site. It concerns a plat note regarding this access and is subject to consideration by the Maryland State Highway Administration (SHA). This condition is enforceable at such time that permits for commercial development are reviewed.



There are no transportation-related conditions on either SDP-1303 or SDP-1604 that affect this application.

### **Conclusion**

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 is approved with the following conditions:

1. At the time of specific design plan, the applicant shall consider a center left-turn lane at key driveway locations along its length of the commercial roadway and modify the typical section of the roadway to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot pavement section.
2. The applicant and/or the applicant's heirs, successors, or assigns 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.
  - a. For Commercial Sections on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

"A fee calculated as \$1.24 per gross square foot of space X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)".
  - b. For Residential Section on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

"A fee calculated as \$1,338 per dwelling unit X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)."
  - c. 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.

- d. 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.). The 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 the spine road crosses US 301 northeast of T.B.
  - (8) Reconstruct the traffic signal at MD 5/Brandywine Road.
  - (9) Construct of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
  - (10) Construct of an interchange in the area of MD 5 and A-63 north of T.B.
  - (11) Construct of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Road/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.

3. Prior to the issuance of any building permits within the commercial portion of the subject property, the following road improvements along Chadds Ford Drive shall (1) have full financial assurances, (2) have been permitted for construction through the operating agency's access permit process, and (3) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Provision of two westbound lanes (by re-striping, if possible) along Chadds Ford Drive between US 301/MD 5 and General Lafayette Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).
  - b. Provision of an exclusive left-turn and right-turn lanes on the commercial access approach to Chadds Ford Drive.
  - c. The applicant shall be responsible for any additional turn lanes or signage at the commercial access roadway intersection with Chadds Ford Drive that are needed to ensure safe access per DPW&T standards.
4. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. 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.

October 15, 2019

**MEMORANDUM**

**TO:** Adam Bossi, Planner Coordinator, Urban Design Section, DRD

**VIA:** Megan Reiser, Acting Planning Supervisor, Environmental Planning Section, CWPD *18 Formick*

**FROM:** Kim Finch, Planner Coordinator, Environmental Planning Section, CWPD *KIF*

**SUBJECT:** **Brandywine Village, Phase 2 (Commercial)**  
**CDP-1201-01 and TCP1-009-12-01**

The Environmental Planning Section (EPS) has reviewed the amended Comprehensive Design Plan (CDP) and Type 1 Tree Conservation Plan accepted for review on August 27, 2019. The Environmental Planning Section recommends approval of CDP-1201-01 with no conditions. No revisions to TCP1-009-12-01 are required with this application, subject to the findings listed at the end of this memorandum.

**Background**

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

SDP-1601	TCP2-002-014-02	Planning Board	Approved	2/16/2017	PGCPB No. 17-25
CDP-1201-01	TCP1-009-12-01	Planning Board	Pending	Pending	Pending
NRI-038-12-01	NA	Staff	Approved	7/29/2019	NA
SDP-1601-01	TCP2-002-014-02	Planning Director	Pending	Pending	NA

**Proposed Activity**

The current application is an amendment to the CDP-1201 and does not include any proposed revision or modifications to either the residential elements, or the 200,000 square foot of office space associated with the prior CDP-1201 Brandywine Village approval. The applicant is proposing three additional commercial buildings with a total of 20,500 square feet of retail space on three proposed parcels within Phase 2 of the project.

**Grandfathering**

The project is subject to the requirements of Subtitle 24, 25, and 27 that became effective September 1, 2010 and February 1, 2012 because a new comprehensive design plan and preliminary plan were required.

The project is subject to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (2010) (WCO), and the current Environmental Technical Manual.

**Site Description**

Brandywine Village is a 44.33-acre property located on the west side of US 301 north of Chadds Ford Road, east of General Lafayette Boulevard. The site is bifurcated by a stream, 100-year floodplain and wetland system running north to south through the property which divides the site into two phases. Phase 1, on the west side of the stream, is 20.27 acres in area. The remainder of the site (Phase 2) is 24.06 acres in area and is the focus of this application. The principal stream on the site is a tributary of Mattawoman Creek in the Potomac River basin. The predominant soil types on the site according to the Web Soils Survey are in the Aquasco, Beltsville, Grosstown, Hoghole-Grosstown, Leonardtown and Potobac-Issue complex series. Beltsville, Leonardtown and Potomac-Issue soils are hydric or partially hydric. Current aerial photography indicates that the site is predominantly wooded and undeveloped. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP, there are no Rare, Threatened or Endangered (RTE) species found to occur in the vicinity of this site. There are no Marlboro or Christiana clays located on or adjacent to the subject property. The subject property is adjacent to US 301, a master planned freeway, and generally regulated for noise. There are no scenic or historic roads fronting the subject property. The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, within the Established Communities Area Growth Policy Area, within the

Brandywine Town Center, and has a Generalized Future Land Use of Commercial as designated by Plan Prince George's 2035 Approved General Plan. The entire site falls within the Regulated Area and Evaluation Area of the designated Green Infrastructure Network.

### **Conformance with the General Plan**

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, within the Established Communities Area Growth Policy Area, within the Brandywine Town Center, and has a Generalized Future Land Use of Commercial as designated by Plan Prince George's 2035 Approved General Plan.

### **Conformance with the Subregion V Master Plan**

#### **Master Plan Conformance**

The *Approved Subregion 6 Master Plan and Sectional Map Amendment* (December 2013) via CR-82-2013 and CR-83-2013 and contains the following policies in the Environment chapter of the plan. Future land development applications for this site shall consider the applicable recommendations identified in the master plan.

#### **Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.**

Preservation of Regulated Environmental Features (REF), the Green Infrastructure Network, and secondary corridors which provide habitat on this site supports limited impacts for essential development elements.

#### **Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.**

There are streams on this site which are tributaries to Mattawoman Creek in the Potomac River basin and should be protected using environmentally sensitive site design to protect water resources.

#### **Conformance with the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan* (May 2017)**

The site contains Regulated Areas and Evaluation Areas, identified in the *Countywide Green Infrastructure Plan*, which are consolidated along the stream corridor located centrally through the site. The submitted application shows the preservation of the Regulated Areas and areas adjacent to all Regulated Areas in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of 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 systems in the watershed is of 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 TCP1 for the subject property demonstrates that the requirements of the WCO are fully provided on-site through preservation or afforestation possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it should be provided within the Mattawoman watershed.

### **CONFORMANCE WITH PREVIOUS CONDITIONS OF APPROVAL**

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

#### **Review of Environmental Conditions of Approval of A-9997(C)**

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

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

Stormwater management (SWM) facilities were previously implemented on-site under a valid stormwater management concept approval letter and associated plans (# 15822-2008-02) approved April 8, 2016 and valid through May 4, 2017 with the approval of SDP-1604. The applicant has a valid approved Stormwater Management Concept Letter and Plan, 63545-2016-01, which will be applicable during the review of amended SDPs for future on-site development.

#### **Conditions of Approval of CDP-1201 and of TCP1-009-12**

PGCPB Resolution No. 13-58 was approved by the Planning Board on May 30, 2013 subject to conditions of approval. None of the conditions which are environmental in nature are applicable to the current application.

#### **Conditions of Approval for Preliminary Plan 4-12007 and TCP1-009-12-01**

PGCPB No. 13-59 was approved by the Planning Board on May 30, 2013 subject to conditions of approval. The following conditions of approval are environmental in nature and applicable to the amended CDP.

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

SWM Concept Approval 15822-2008-02 was previously implemented under SDP-1604 for infrastructure only. Future applications for development of this site will be subject to Stormwater Management Concept Approval, 63545-2016-01, or as revised in the future.

### **Conformance with Conditions of SDP-1303**

The Prince George's County Planning Board approved the application on Thursday, March 6, 2014, subject to conditions contained in PGCPB No. 14-14.1 None of the conditions which are environmental in nature are applicable to the current application.

### **Environmental Review**

#### **Natural Resource Inventory**

A Natural Resources Inventory, NRI-038-12, for the subject property was approved on July 12, 2012. An -01 revision to NRI-038-12 was approved on July 29, 2019 and is valid for 5-years. The regulated environmental features as shown on the revised NRI are shown on the plans submitted with the subject application. No revisions are required for conformance to the NRI.

#### **Woodland Conservation**

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and the property is subject to previously approved TCPs. A revised TCP1 (TCP1-009-12-01) was approved on August 8, 2013 with certification of Preliminary Plan 4-12007.

The subject application is in conformance with the previously approved TCP. No revisions to TCP1-009-12-01 are proposed with the current application.

#### **Invasive Species**

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

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

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

This note will guide future revisions to the TCP2 as further development of the site is proposed.



### **Specimen, Historic and Champion Trees**

Section 25-122(b)(1)(G) requires that:

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

There are three specimen trees identified on the subject property, which are all located within the PMA. The approved TCP2 proposes retention of all specimen trees on the site, although there will be impacts to the CRZ to Specimen Tree #2 and #3. It appears that a minimum of 70 percent of the critical root zone will be retained. The FSD indicates that the specimen trees to be retained are in poor to fair condition, and no management techniques are proposed to preserve these trees which are in decline.

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

### **Perpetual Protection of Woodland Conservation**

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

The recordation of a woodland conservation easement is generally required prior to the signature approval of a TCP2 for a development application that includes on-site woodland conservation areas. A woodland conservation easement was recorded for woodland conservation areas on Phase 1 of the development. Because only a portion of the total amount of clearing proposed in Phase 2 as shown on the TCP1 will be removed with the limited application under review, recordation of the required woodland conservation easement be was deferred until the approval of a revised TCP2 for the full development of the site.

### **Protection of Regulated Environmental Features**

This site contains streams, wetlands and wetland buffers, and 100-year floodplain within a delineated primary management area. The Primary Management Area (PMA) is required to be preserved to the fullest extent possible at time of preliminary plan (Section 24-130) and specific design plan (Section 27-528) the site design should avoid any impacts to the

regulated environmental features, which includes the PMA, unless the impacts are essential for the development as a whole.

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

The PMA impacts proposed with the current application are consistent with those previously approved at time of the original comprehensive design plan (CDP-1201) and preliminary plan )4-12007).

### **Stormwater Management**

A Stormwater Management Concept Approval letter and plan (#15822-2008-02) dated April 8, 2016 and implemented with SDP-1604 and TCP2-002-14-01 which was limited to construction of SWM infrastructure. A revision approved Stormwater Management Concept Letter #63545-2016-01 and associated plan has been issued which will be reviewed with future development of the subject property.

### **Soils**

According to the Web Soil Survey, the principal soils on the site are in the Aquasco, Beltsville, Bibb, Grosstown, Hoghole-Grosstown, Leonardtown and Potobac-Issue soil series. Aquasco and Beltsville soils are highly erodible and may have perched water tables and impeded drainage. Grosstown and Hoghole-Grosstown pose few problems to development. Leonardtown and Potobac-Issue complex soils are hydric or partially hydric and poor drainage. High groundwater and poor drainage are 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. The Prince George's County Department of Permitting, Inspections and Enforcement may require a soils report in conformance with CB-94-2004 during the permit process review.

### **Summary of Recommended Conditions and Findings**

The Environmental Planning Section recommends approval of CDP-1201-01 subject to the following findings:

#### **Recommended Findings:**

1. The amended comprehensive design plan and approved TCP1 can be found in conformance with Zoning Map Amendments A-9996-C and A-9997-C.

Brandywine Village, Phase 2 (Commercial)

CDP-1201-01

October 15, 2019

Page 8

2. The regulated environmental features within the development envelop on the subject property have been preserved and/or restored to the fullest extent possible.


If you have any questions concerning these comments, please contact me at 301-952-3506 or via e-mail at [Kim.finch@ppd.mncppc.org](mailto:Kim.finch@ppd.mncppc.org).

KIF: kif

October 09, 2019

**MEMORANDUM**

TO: Adam Bossi, Development Review Division

FROM:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division

SUBJECT: **Comprehensive Design Plan Review for Master Plan Compliance**

The following comprehensive design plan (CDP) was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2013 *Approved Subregion 5 Master Plan* and sectional map amendment in order to provide the master plan trails.

Comprehensive Design Plan: CDP-1201/01

Name: Brandywine Village

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<u>      </u>	Public Use Trail Easement	<u>      </u>
PG Co. R.O.W.*	<u>  X  </u>	Nature Trails	<u>      </u>
SHA R.O.W.*	<u>      </u>	M-NCPPC - Parks	<u>      </u>
HOA	<u>      </u>	Bicycle Parking	<u>      </u>
Sidewalks	<u>  X  </u>	Trail Access	<u>  X  </u>

\*If a master plan trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The subject application proposes minor amendments to the approved CDP to include an additional 2,000 square feet of commercial space. Multiple prior approvals cover the subject site and numerous conditions of approval addressed bike and pedestrian access. The residential component has been completed and the trails and sidewalks within the residential portion of the site have been constructed. However, conditions related to the commercial component of the site should be addressed.

**Review Comments (Master Plan Compliance and Prior Approvals)**

One master plan trail recommendation impacts the subject property with a shared use sidepath recommended along General Lafayette Boulevard. This master plan trail has been completed through the residential portion of the subject site.

The *Approved Countywide Master Plan of Transportation* includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

**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.

**Comment:** Prior conditions of approval addressed bicycle and pedestrian access throughout the subject site. These connections have been completed through the residential portion of the site. Additional internal walkways or sidewalks may also be appropriate on the commercial component of the site and will be evaluated at the time of specific design plan (SDP).

Basic Plan A-9996 included a condition of approval requiring a trail connection to the local activity center (L-A-C) portion of the site. Furthermore, a consideration states that all connections should be shown on the CDP:

7. At time of comprehensive design plan, the applicant shall:
  - c. Provide pedestrian connectivity to the proposed L-A-C Zone commercial area.

Considerations:

2. The applicant, the applicant's heirs, successors and/or assignees shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.

**Comment:** The submitted CDP revision reflects the necessary trail connections as indicated in the basic plan condition and consideration.

CDP-1201 included the following conditions of approval related to bike and pedestrian access:

1. Prior to certificate approval of the comprehensive design plan (CDP), the applicant shall:
  - b. Revise the existing standard sidewalk along the subject site's frontage on General Lafayette Boulevard to an eight-foot-wide concrete sidewalk, unless modified by the Department of Public Works and Transportation (DPW&T).
  - c. Provide standard sidewalks along both sides of all major internal roads serving residential uses (roads 26 feet or wider), unless modified by the Department of Public Works and Transportation (DPW&T), except that the sidewalk for lots opposite the stormwater management pond/community open space shall be located along the front of the units.

- e. Relocate the stream valley trail outside the primary management area. This trail shall extend from Chadds Ford Drive to the trail connecting to the commercial space as shown on the CDP.
  - f. Provide striping for a designated crosswalk across General Lafayette Boulevard at Chadds Ford Drive at the locations of the existing curb cuts and ADA (Americans with Disabilities Act) ramps.
  - o. Revise the CDP plan to show a pedestrian connection along the west side of the stormwater management pond while still maintaining a minimum street width of 26 feet.
3. Prior to signature approval of the Preliminary Plan of Subdivision 4-12007, the applicant shall:
- a. Evaluate paying a fee-in-lieu to meet the requirements for mandatory dedication of parkland.
  - b. Evaluate the necessity of additional trail or sidewalk connections between residential and commercial sections.
  - c. Evaluate and select the best ownership option for land where pedestrian connections will be located to ensure their perpetual maintenance.

**Comment:** The trails and sidewalks required in Condition 1 have been completed for the residential portion of the subject site. The conceptual sidewalk/pathway network shown on the CDP is sufficient and transportation staff supports the inclusion of the note about the walkways through areas of surface parking. Issues related to the trail connection to the commercial development still needs resolving as noted below:

Condition 25 of 4-12007 addressed the design and trigger for the trail connection to the commercial pod, pedestrian access through the commercial area and the recordation of any necessary easements. This condition is still applicable and carried forward for the subject application. As noted at Subdivision & Development Review Committee (SDRC), the connector trail should be the responsibility of the commercial component of the development, not the residential homeowners association (HOA).

25. Prior to approval of the specific design plan, the following additional specific site issues shall be evaluated:
- a. The connector trail from Parcel A, HOA parcel, to the commercial pods shall be evaluated for the design, layout, use easement for trail, and trigger for the construction and bonding of the trail.
  - b. The need for additional crosswalk or walkway striping through the commercial area parking lots shall be evaluated and determined. However, it appears that adequate sidewalk access is provided from the trail connection to the proposed L-A-C building frontages.

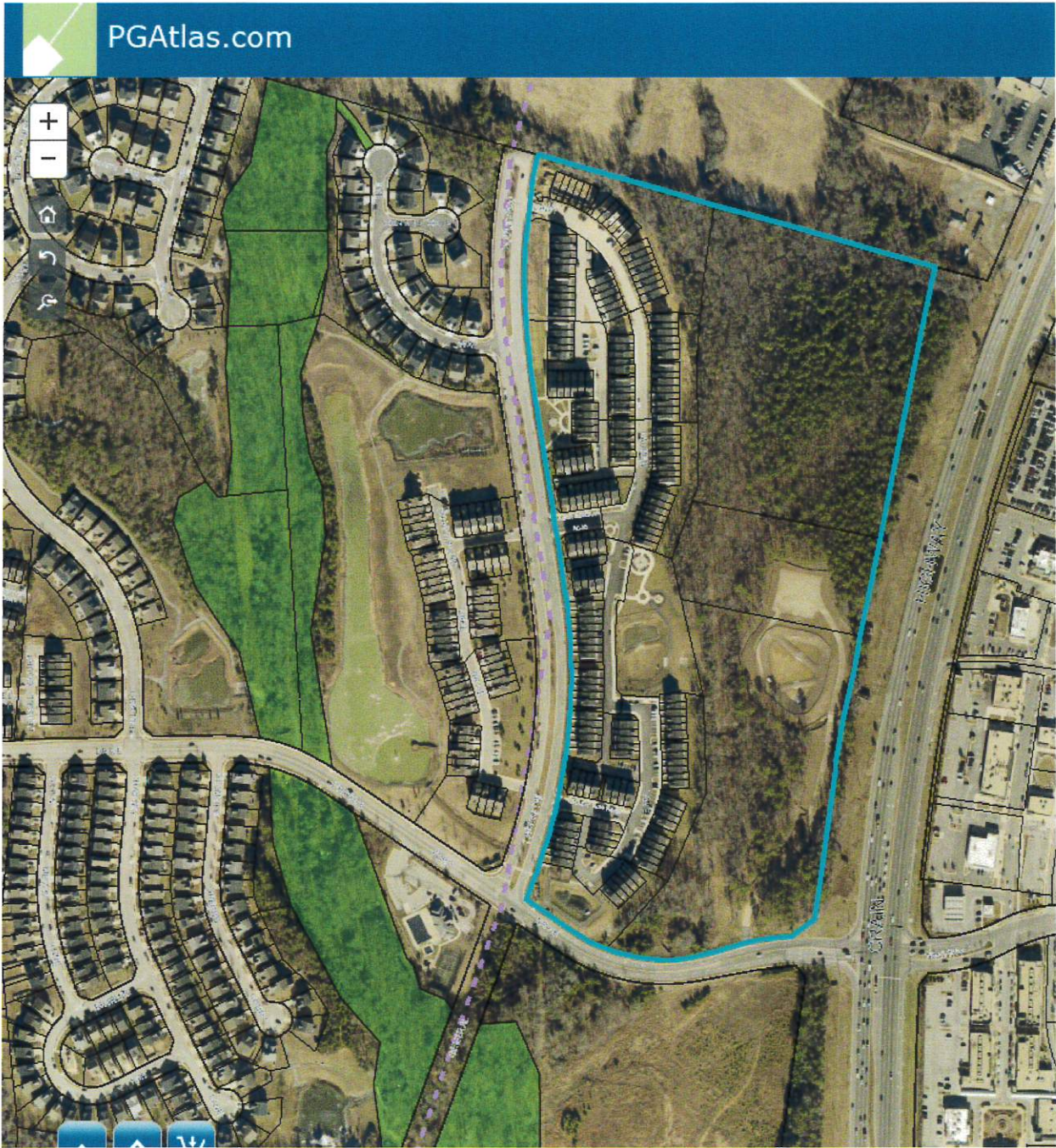
- c. Prior to approval of the final plat and in accordance with the specific design plan, the necessary trail access easement shall be recorded among the land records of Prince George's County and the liber and folio noted.

**Comment:** Conditions of approval have been fulfilled for the residential component of the development. The master plan trail has been completed along General Lafayette Boulevard.

**Conclusion**

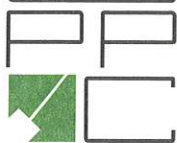
1. Prior to approval of the specific design plan, the following additional specific site issues shall be evaluated:
  - a. The connector trail from Parcel A, HOA parcel, to the commercial pods shall be evaluated for the design, layout, use easement for trail, and trigger for the construction and bonding of the trail.
  - b. The need for additional crosswalk or walkway striping through the commercial area parking lots shall be evaluated and determined. However, it appears that adequate sidewalk access is provided from the trail connection to the proposed L-A-C building frontages.
  - c. Prior to approval of the final plat and in accordance with the specific design plan, the necessary trail access easement shall be recorded among the land records of Prince George's County and the liber and folio noted.







MN  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION




Countywide Planning Division  
Special Projects Section

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

October 10, 2019

**MEMORANDUM**

TO: Henry Zhang, Master Planner, Urban Design Section, Development Review Division

FROM:  Crystal Saunders Hancock, Acting Planning Supervisor, Special Projects Section,  
Countywide Planning Division

**SUBJECT: CDP-1201-01 Brandywine Village**

The Brandywine Village project is located near the intersection of U.S. 301 and Chadds Ford Drive. The Special Projects Section, Countywide Planning Division had previously reviewed this Comprehensive Design Plan (CDP) for public facility adequacy. In reviewing the revised CDP, staff determined that the commercial increase of 2,000 square feet still meets adequacy and the findings remain valid.




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org

October 14, 2019

**MEMORANDUM**

**TO:** Henry Zhang, Master Planner, Urban Design Section

**VIA:** Sherri Conner, Supervisor, Subdivision and Zoning Section 

**FROM:** David Simon, Planner Coordinator, Subdivision and Zoning Section

**SUBJECT:** CDP-1201-01; Brandywine Village

The area of this CDP revision is specific to the properties of the CDP located on Tax Map 154 in Grid F-3, identified as Outlots 6,7, and 8 of Plat Ten of Brandywine Village Subdivision, recorded in Plat Book SJH 245--84 in 2016. The three outlots cumulative total area is 24.059 acres. The previously approved Comprehensive Design Plan CDP-1201 was adopted by the Planning Board on June 20, 2013 (PGCPB Resolution No. 13-58) for mixed-use development consisting of 218,500 square feet of retail, general office, and medical office space, and 191 single-family attached (townhouse) units on 44.33 acres. The site is currently undeveloped beyond a storm water management facility and the facility's associated infrastructure. The applicant has submitted this revision to a previously approved CDP for an increase in square footage for commercial components of the proposed site design.

**Conformance to Prior Approvals**

**A-9997-C**

Zoning Map Amendment A-9997-C (PGCPB Resolution No. 08-74), was heard by the District Council and was approved for rezoning of the site from a mix of Employment and Institutional Area (E-I-A) and Local Activity Center (L-A-C) zoning to solely L-A-C zoning. This rezoning allowed the property owners to utilize development density incentives to allow the proposed project to have a greater intensity of land use to reflect the latitude that the L-A-C Zoning offers, in comparison to the limitations created by the site's previous mix of zoning classifications.

A-9997-C contained seven conditions and two considerations ; the following condition of approval is applicable to this review:

**1. Land Use Types and Quantities:**

**189,000 square feet of office space**  
**14,657 square feet of retail commercial**

**Open space  
Homeowner Recreation Facilities  
Trails**

<b>GROSS TRACT:</b>	<b>24.05 acres</b>
<b>FLOODPLAIN:</b>	<b>10.91 acres</b>
<b>NET TRACT AREA</b>	<b>13.14 acres</b>

<b>Base intensity of zone 24.05 acres at 0.16 FAR:</b>	<b>167,619 sq ft.</b>
<b>Maximum intensity 24.05 acres at 0.31 FAR:</b>	<b>324,761 sq ft.</b>

The applicant's request increases the square footage of commercial/retail development on the subject property by 2,000 square feet, from 218,500 square feet to 220,500 square feet. This proposed increase in density and intensity of the commercial/retail space with this revision to the CDP is consistent with A-9997-C.

**PPS 4-12007**

The site is the subject of Preliminary Plan of Subdivision (PPS) 4-12007 (PGCPB Resolution No. 13-59), which was approved on June 20th, 2013 for 191 lots and 27 parcels, for the development of 191 townhouses and 243,048 square feet of commercial development. This approval was subject to 30 conditions, of which one is applicable to this review:

**19. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Conformance to Condition 19 should be reviewed and determined by the Transportation Planning Section.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP has been found to be in substantial conformance with the approved preliminary plan of subdivision. There are no other subdivision issues at this time.



*Division of Environmental Health/Disease Control*

Date: September 12, 2019

To: Adam Bossi, Urban Design, M-NCPPC

From: Adebola Adepaju, Environmental Health Specialist, Environmental Engineering/Policy Program

Re: CDP-1201-01, Brandywine Village

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the comprehensive design plan submission for Brandywine Village and has the following comments/recommendations:

1. There are more than five existing carry-out/convenience store food facilities and four grocery stores/markets within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
2. The proposed site is located within 1000 feet of US 301. There is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests
3. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
4. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
5. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

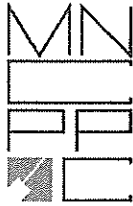


Environmental Engineering/Policy Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/health](http://www.princegeorgescountymd.gov/health)



6. Creation of additional impervious surfaces could have long term impacts on the sustainability of the groundwater resource.. Demonstrate that the site is in compliance with the County's Watershed Implementation Plan (WIP).

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepoju@co.pg.md.us](mailto:aoadepoju@co.pg.md.us).



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

*Department of Parks and Recreation*

6600 Kenilworth Avenue Riverdale, Maryland 20737

**MEMORANDUM**

DATE: September 4, 2019

TO: Adam Bossi, Planner Coordinator  
Urban Design Section  
Development Review Division  
Planning Department

FROM: Paul Sun, RLA, Land Acquisition Specialist *PSS*  
Park Planning and Development Division  
Department of Parks and Recreation

SUBJECT: **CDP-1201-01, Brandywine Village**

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Due to the fact that this Detailed Site Plan (DSP) does not contain a residential component, is not adjacent to and/or does not impact any existing or proposed parkland, the Department of Parks & Recreation (DPR) offers no comment.

LAW OFFICES  
**SHIPLEY & HORNE, P.A.**

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Russell W. Shipley  
Arthur J. Horne, Jr.\*  
Dennis Whitley, III\*  
Robert J. Antonetti, Jr.

Bradley S. Farrar  
L. Paul Jackson, II\*

\*Also admitted in the District of Columbia

April 1, 2019

**VIA HAND DELIVERY**

Ms. Jill S. Kosack  
Prince George's County Planning Department  
Development Review Division  
14701 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

**RE: Brandywine Village Commercial Comprehensive  
Design Plan Amendment (CDP-1201-01)  
Statement of Justification**

Dear Ms. Kosack:

On behalf of our client Brandywine Partners, LLC, Arthur J. Horne, Jr. and Shipley & Horne, P.A., hereby submits this Statement of Justification in support of the Comprehensive Design Plan Amendment (CDP-1201/01) application. The Brandywine Village project consists of approximately 44.33 acres of L-A-C of a mix of uses, including approximately 218,500 square feet of proposed commercial/retail, office and medical office uses, and 191 existing residential townhouse dwellings. The commercial uses are proposed along the US 301 frontage, with existing residential uses to the west near the developing Chaddsford community. This CDP-1201/01 application **does not include any proposed revisions or modifications to either the residential elements/sections, the 100,000 square-foot medical office or the 100,000 square-foot general office buildings associated with prior CDP-1201 Brandywine Village approval.**

The Applicant proposes three buildings with a total of 20,500 square feet of retail to be sited on proposed Parcels 1, 2, and 3; and proposed Parcel A that is supported by the stormwater management pond. The proposed development in this application is designed to implement the outstanding commercial element of the Brandywine Village Comprehensive Design Plan. The plan respects the environmental features of the property, provides commercial/retail opportunities along US 301 and provides an appropriate transitional space between the higher intensity vehicular traffic and commercial uses along US 301; and the single-family attached and detached development in the section of Chaddsford immediately adjoining the property to the west on the opposite side of General Lafayette Boulevard. The Applicant and their design team are currently preparing the detailed Specific Design Plans for the proposed commercial improvements for submission after consideration of this instant CDP application.

**A. Neighboring Properties Use and Zoning:**

The site is in the Developing Tier of Prince George's County. It consists of 44.33 acres of land. The property is located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive in Brandywine (Tax Map 154, Grid F-3), Maryland (the "Property"). The property also has frontage on General Lafayette Boulevard to the west. Part of the overall Brandywine Village development, the property is known as Outlot 2, Brandywine Village Subdivision, Record Plat VJ 186@64.

**Surrounding Land Uses:**

The Property is currently zoned L-A-C;

North: The land to the north is in the R-R Zone (Rural Residential) Zone;

East: The properties on the east side of U.S. 301 are predominantly zoned C-S-C and are developed with a shopping center. There is also I-3 zoning on the east side of US 301;

South: On the south side of Chadds Ford Drive, the properties are zoned R-M and L-A-C; and

West: Immediately on the west side of General Lafayette Boulevard, the land is zoned R-M;

The subject Property will complement the existing and proposed commercial and residential uses in the neighborhood.

**B. Previous Approvals:**

On November 29, 1977, the Brandywine Village (i.e., known as the Mattawoman property at that time) the entire 277-acre property was rezoned, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the R-M Zone through Zoning Map Amendment A-8865. In 1987, a zoning map amendment was filed to rezone the 212-acre M- A-C-zoned portion, but it was unsuccessful.

In 1992, another application (A-9878) was filed to rezone the 212 acres of M-A-C. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993, by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas BIA, BIB, BJ, B4, B5A, B5B* (Subregion V Master Plan and SMA). Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned Local Activity Center (L-A-C), and 149 acres were zoned R-M (via CR-60-1993). The property subject to this application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones based upon proposed road networks that were later revised.



A Comprehensive Design Plan was approved in January 1993 for 65 acres in the R-M Zone for 316 dwelling units. That section of the property was located on McKendree Road and retained the name of Brandywine Village and is not adjacent to the Property. On February 20, 1997, the Planning Board approved Preliminary Plan 4-96083 to dedicate Chadds Ford Road and General Lafayette Boulevard (adjacent to the Property) to public use.

The Planning Board approved the Comprehensive Design Plan CDP-0102 for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone and the remaining acreage, including the property included in this application, was intended for future growth.

On January 12, 2009, the District Council approved Zoning Map Amendments (Basic Plans) A- 9996-C and A-9997-C to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of the two zoning map amendments covering the two parts of the subject site, previously approved zoning map amendments and Comprehensive Design Plans are no longer valid. Comprehensive Design Plan CDP-1201 was approved on June 20, 2013, and certified on August 21, 2013, for 44.33 total acres (20.33 residential acres, and 24.05 commercial). This CDP focused primarily on the residential use of the site establishing guidelines for the development of 191 townhouse homes. The Planning Board approved a new Preliminary Plan of Subdivision, 4-12007, covering both the residential and commercial sections on May 30, 2013. The site also has a valid Stormwater Management Concept Plan, 63545-2016-01.

**C. Proposed Development Concept:**

As discussed above, the Applicant proposes three (3) buildings to be located in this CDP for a total of 20,500 square feet of retail from the total of approximately 220,500 square feet of proposed commercial/retail, office, and medical office uses. The proposed development in this application is designed to implement the outstanding commercial element of the Brandywine Village Comprehensive Design Plan. The plan respects the environmental features of the property, provides commercial/retail opportunities along US 301 and provides an appropriate transitional space between the higher intensity commercial uses along US 301 and the single-family attached and detached development in the section of Chaddsford immediately adjoining the property to the west on the opposite side of General Lafayette Boulevard. With the approval of this application, Brandywine Village will continue to enhance the local area while maintaining the recommendations in the *2013 Approved Subregion 5 Master Plan and Sectional Map Amendment* and by providing compact commercial development that responds and respects sensitive environmental features portion of the property.

**D. Purposes of Request:**

To implement this modest improvement being finalized in the pending SDP plans, the Applicant finds minor limited modifications or amendments to the Comprehensive Design Plan for Brandywine Village as follows certified CDP-1201 Guideline are necessary:

**IV. THE PROPOSED COMPREHENSIVE DESIGN PLAN (page 6)**

*The commercial portion of the property is proposed to contain approximately ~~[218,500]~~220,500 square feet of space. A 100,000 square foot medical office, a six-story general office building (approximately 100,000 square feet), and ~~[two]~~ three pads sites, approximately ~~[18,500]~~20,500 square feet in total, are proposed[,].*

**Comment:** As discussed, discussed above, the Applicant proposes three (3) buildings to be located in this CDP for a total of 20,500 square feet of retail from the total of approximately 220,500 square feet of proposed commercial/retail, office and medical office uses. This modification corrects the CDP text references to the commercial/retail total and pad square footages, number of pads, as well as a punctuation error.

**Development Standards (page 10)**

*COMMERCIAL USES*

<i>Minimum Lot size:</i>	<i>N/A</i>
<i>Minimum frontage at street</i>	
<i>R.O.W:</i>	<i>N/A</i>
<i>Minimum frontage at Front</i>	
<i>B.R.L.</i>	<i>N/A</i>
<i>Maximum Lot Coverage</i>	<i>N/A</i>
<i>Minimum front Building setback from R.O.W.</i>	<i>10</i>
<i>Minimum front Building setback from US 301</i>	
<i>R.O.W.</i>	<i>30'</i>
<i>Minimum side setback:</i>	<i>N/A</i>
<i>Minimum rear setback:</i>	<i>10'</i>
<i>Minimum corner setback to side street R-O-W.</i>	<i>10'</i>
<i>Maximum building height:</i>	<i>7 stories</i>
<b><i>[Minimum] Base FAR</i></b>	<i>0.16</i>
<i>Maximum FAR</i>	<i>0.31</i>

**Comment:** The Basic Plan (A-9996) allows a base intensity for the commercial development of 0.16 FAR, or 167,619 square feet on 24.05 acres, and a maximum intensity of 0.31 FAR, or 324,761 square feet. The Prince George’s County Zoning Ordinance defines the range in commercial development density range from a lower end “base” to a maximum. In all references to allowed commercial density ranges in the Basic Plan and the certified CDP-1201 the permitted commercial development density range from a “Base” FAR to a

maximum FAR. This modification corrects the labeling on the above commercial use table to be in keeping with the balance of the certified CDP-1201-01 document text and the Zoning Ordinance.

**Architectural Details, Materials and Colors (page 18)**

**2. Building colors should emphasize the local environment. ~~[The use of highly reflective or glossy materials should be limited and are not appropriate in all contexts.]~~**

**Comment:** Future commercial buildings will be designed in keeping with this design standard provides flexibility in the design and approval of future commercial structures that will remain consistent with contemporary commercial properties in the vicinity of the subject along US 301 corridor. Exterior architectural facades associated with future commercial uses require review and approval SDP application by M-NCPPC.

**Miscellaneous (page 19)**

**2. The following architectural treatments are generally discouraged:**

~~**[Extended bands of vibrant and/or highly contrasting corporate colors unrelated to the architecture.]**~~

~~**[Long uninterrupted expanses of glass]**~~

**Comment:** Future commercial building exterior architectural treatments associated with future commercial uses which require review and approval SDP application by M-NCPPC will exclude the use of bands of vibrant and or highly contrasting colors along the facades said building facing the residential sections of Brandywine Village.

**SIGNAGE**

**Tenant Primary Identification Signs (page 22-23)**

- Major tenants may have building mounted identity signage on a maximum of ~~[two]~~ three frontages. Letters which are individually mounted to the building can have internal illumination. Primary identity signs identifying individual commercial tenants can utilize a wall sign that fits the building and storefront design. ~~[Each tenant is limited to a single wall-mounted sign as the primary means of identification].~~ Tenants with frontage on more than one street may be allowed one additional wall sign per frontage. ~~[Tenant identification may only include the business name.]~~ The addition of a simple logo may be considered. Tenant identity signs will be located and scaled to complement the building architecture and storefront design.**

**Comment:** Due to the generally narrow extended linear configuration of the subject commercial property that results in a site design incorporating a service road that parallels US 301 for access and use by future retail tenants. As a result of the general geographic

spatial characteristics of the overall site, some of the commercial structures being designed on parcels will have dual street frontages and building exposure to multiple roadways.

This requested modification recognizes this somewhat unique physical configuration and conditions the subject property. This request which allows more flexibility in the design and approval of tenant signage programs is in keeping with existing commercial signage fronting along the US 301 corridor in the neighborhood of the subject property. Any signage design details associated with future commercial uses require review and approval SDP applications by M-NCPPC.

**Secondary Tenant Identification Signs (page 23)**

- ***Individual commercial tenants' secondary identity signs are specifically oriented to the pedestrian. They enrich the streetscape and allow for the expression of a unique personality of individual tenants. Secondary sign types include awning/canopy signs, wall-mounted blade signs, specialty paving, cast plaque and window-mounted signs. [Maximum one sign per sign type. All signs include the business name or logo only; †]Tag lines are strongly discouraged.***

**Comment:** As discussed above, this requested modification recognizes this somewhat unique physical configuration and condition the subject property. This request which allows more flexibility in the design and approval of tenant signage programs is in keeping with existing commercial signage fronting along the US 301 corridor in the neighborhood of the subject property. Any signage design details associated with future commercial uses require review and approval SDP applications by M-NCPPC.

**Prohibited Sign Types (pages 23-24)**

- a. ~~***[Illuminated sign boxes larger than 6 square feet.]***~~
- d. ***Illuminated canopies, excluding signage mounted to canopy.***

**Comment:** As discussed above, this request which allows more flexibility in the design and approval of tenant signage programs is in keeping with existing commercial signage fronting along the US 301 corridor in the neighborhood of the subject property. Any signage design details associated with future commercial uses require review and approval of an SDP application by M-NCPPC.

**E. Compliance with The Prince George's County Zoning Ordinance:**

**Sec. 27-524: Amendment of Approved Comprehensive Design Plan**

*(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.*

**Comment:** The proposed Amendment to the approved comprehensive design plan seeks to revise approved condition 1.e. and Findings of Fact as noted above. As such, this application must be evaluated against the criteria of approval outlined in Section 27-521.

**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;*

**Comment:** As discussed above, there were two basic plans approved, one each for the residential and commercial sections. Basic Plan A-9996-C covered the residential section, and Basic Plan A-9997-C covered the commercial section. The CDP-1201 proposed 191 residential townhouse units and 218,500 square feet of commercial space that are within the approved development limits for the two sections. Therefore, the CDP-1201/01 is in conformance with the approved basic plans.

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

**Comment:** The regulations governing comprehensive design zones provide much greater flexibility in design. Compared with regulations in conventional zones, development under comprehensive design zones typically achieves more green open spaces and more 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;*

**Comment:** The approved Comprehensive Design Plan CDP-1201 for Brandywine Village is composed of two distinct sections that provide residential, i.e., which is virtually fully developed, and the subject CDP-1201/01 commercial use section designed under a Local Activity Center (L-A-C) zoning designation. One of the purposes of the L-A-C Zone is to encourage and stimulate a balanced development that groups uses for the convenience of the populations they serve. To achieve that purpose, the plan was designed to include sufficient design elements, facilities, and amenities. In the Brandywine Village CDP, the two distinct sections include and/or are being developed, each includes trails, sidewalks, and sitting areas around the stormwater management ponds (when not prohibited by DPW&T for safety concerns). Coupled with the amenities and facilities in the vicinity of the site, the plan meets this requirement.

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

**Comment:** The site is bounded to the north by undeveloped land in the R-R (Rural Residential) Zone; to the east by the right-of-way of Robert Crain Highway (US 301) and across US 301 by the Brandywine Shopping Center in the C-S-C (Commercial Shopping Center) Zone; to the south by the right-of-way of Chadds Ford Drive and across Chadds Ford Drive by properties in the R-M (Residential Medium Development) Zone; to the east by the right-of-way of General Lafayette Boulevard and across General Lafayette Boulevard by subdivisions in the R-M Zone. The site was part of a larger community known as Brandywine Village. The proposed residential section is located across the street from existing townhouses and single-family detached houses, and the commercial section is fronting on US 301. There is a stream that bisects the two sections. The proposed development will be compatible with 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;*

**Comment:** The two sections in the Brandywine Village CDP site are completely separated by the existing stream. There is a pedestrian crossing in the middle of the site that will connect the residential and commercial sections. Additional sidewalks and stream valley trails will provide extra ties between the two sections. Within the existing residential section, 191 townhouse units have been constructed and occupied along with on-street parking, open space, a playground, and sidewalks. The subject CDP-1201-01 application provides for three commercial/retail buildings along with parking lots, sidewalks along the spine road, and other pedestrian connections. Sufficient open space and building setbacks have been provided. The commercial section has two access points: one proposed right-in/right-out from US 301, (that has been recommended for removal by the Transportation Planning Section) and one complete access point from Chadds Ford Road. Space has been preserved for a third possible connection to the north of the commercial section.

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

**Comment:** In accordance with the accepted phasing scheme approved with the prior CDP-1201 application, the residential section was developed first. The minor modifications requested in this instant CDP-1201-01 application are necessary for the pending commercial SDP applications which are next phase of Brandywine Village.

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

**Comment:** Based on the findings in the originally CDP-1201 approval, the proposed development will not be an unreasonable burden on public facilities. The requested

amendments in this application to the approved CDP will not increase the impacts on available public facilities that were not otherwise approved in prior entitlement applications.

*(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:*

*(A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;*

*(B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;*

*(C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;*

**Comment:** This requirement does not apply 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);*

**Comment:** The plan is consistent with this requirement by incorporating the applicable side design guidelines in the development standards for both the residential and commercial sections. Specifically, the development standards incorporate the applicable design guidelines dealing with parking, loading and site circulation, lighting, views, green open space, site and streetscape amenities, grading, public spaces, and townhouses.

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

**Comment:** The instant revision to the CDP requested by the Applicant will continue to allow the approved CDP to remain in conformance with the approved tree conservation plan for the project.

*(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).*

**Comment:** With the approval of the requested amendment, the CDP for the overall Brandywine Village project will continue to preserve and/or restore regulated environmental features to the fullest extent possible following 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*

**Comment:** This section does not apply to Brandywine Village.

*(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:** This section does not apply to Brandywine Village.

**F. Conclusion:**

This Comprehensive Design Plan Amendment application meets all requirements for approval as discussed herein. As such, the Applicant respectfully requests that CDP-1201-01 be approved.

Thank you in advance for your consideration of this application. If you have any questions or comments, please do not hesitate to contact the undersigned.

**Respectfully Submitted,**

**Arthur J. Horne, Jr.**

AJH/fms

cc: Mr. Joe Caputo  
Mr. Matthew Tedesco  
Ms. Mira Gantzert  
Ms. Meredith Byer



EXHIBIT'S LIST

Regular Planning Board Meeting

NOVEMBER 14, 2019

Exhibits Transmitted to Development Review Division

AGENDA ITEM #5 – COMPRESHENSIVE DESIGN PLAN

CDP-1201-01 BRANDYWINE VILLAGE

The following exhibits were accepted and entered into the record:

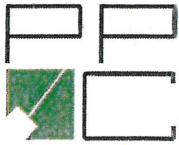
STAFF'S Exhibit No. 1	Clarification to Technical Report	2 pages
APPLICANT'S Exhibit No. 1	Proposed Revision to Conditions	1-page

MARIE PROCTOR 11/14/2019

Marie Proctor                      11/14/19

Sign and Date

**MIN**  
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**



REC'D BY PGCPB ON 11-14-2019  
ITEM # 5 CASE # CDP 1201-01  
EXHIBIT # Staff Exhibit #1

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org

November 14, 2019

*Staff Exhibit #1*

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division  
Jill Kosack, Supervisor, Urban Design Section, Development Review Division *JK*

FROM: *HZ* Henry Zhang, Master Planner, Urban Design Section  
Development Review Division

SUBJECT: **Comprehensive Design Plan CDP-1201-01**  
**Brandywine Village Commercial**  
Planning Board Agenda November 14, 2019 – Staff Clarifications to Technical Report

After publication of the original staff report, it was determined that additional clarity is needed regarding a shared future roadway connection between the subject site and adjacent property to the south. Staff recommends the following revised findings and conditions of approval (added text underlined, deleted text [~~strikethrough~~]):

**Additional Finding Language, page 10, Finding 9:**

Consistent with the recommendations of A-9997-C, Condition 7, the location of the vehicular connection to the north must be conceptually located to feasibly connect to the master plan alignment of A-55. The location currently reflected on the CDP may preclude the connection due to the close proximity to the A-55 ramp over US 301. To ensure the possible connection, the CDP must reflect an additional potential location to the north on the western side of the northernmost building pad site, along the eastern side of the environmental features, prior to certificate approval. This condition will be further reviewed at the time of SDP.

**New Condition, page 12**

1. Prior to certificate approval of this comprehensive design plan, the applicant shall [~~provide a plan note, as follows~~]:

a. Provide a plan note, as follows:

“All drive-through facilities serving commercial buildings shall be located to the rear of the buildings, away from the US 301 frontage.”

b. Reflect <sup>an alternate</sup> a second potential location of the interparcel connection to the north on the western side of the northernmost building pad site, along the eastern side of the environmental features.

REC'D BY PGCPB ON 11-14-2019

ITEM # 5 CASE # CDP1201-01

EXHIBIT # Applicant's Exhibit #1

**BRANDYWINE VILLAGE**

**CDP-1201-01**

**November 14, 2019**

Applicant's  
Exhibit  
# 1

1. Prior to certificate approval of this comprehensive design plan, the applicant shall provide a plan note as follows:

a) " All drive-through facilities serving commercial buildings shall be located to the rear of the buildings, or located to the side of the buildings if the drive through facility is part of a strip center and is located at least 150 feet away from the US 301 frontage."