



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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

## Detailed Site Plan Harmony at Brandywine

## DSP-20014

REQUEST	STAFF RECOMMENDATION
An elderly care facility with 93 independent living apartments, 62 assisted living units, and 40 memory care home units.	APPROVAL with conditions

<b>Location:</b> On the west side of MD 5 (Branch Avenue), approximately 1,600 feet north of Moores Road.	
Gross Acreage:	8.24
Zone:	M-X-T
Dwelling Units:	N/A
Gross Floor Area:	200,500 sq. ft.
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	216SE07
<b>Applicant/Address:</b> Brandywine IL AL Investors, LLC 4423 Pheasant Ridge Road Roanoke, Virginia 24014	
<b>Staff Reviewer:</b> Jeremy Hurlbutt <b>Phone Number:</b> 301-952-4277 <b>Email:</b> <a href="mailto:Jeremy.Hurlbutt@ppd.mncppc.org">Jeremy.Hurlbutt@ppd.mncppc.org</a>	



Planning Board Date:	01/07/2021
Planning Board Action Limit:	01/13/2021
Staff Report Date:	12/23/2020
Date Accepted:	10/20/2020
Informational Mailing:	04/07/2020
Acceptance Mailing:	10/07/2020
Sign Posting Deadline:	12/08/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

# Table of Contents

EVALUATION.....	3
FINDINGS.....	3
1. Request.....	3
2. Development Data Summary.....	4
3. Location.....	5
4. Surrounding Uses.....	5
5. Previous Approvals.....	5
6. Design Features.....	5
COMPLIANCE WITH EVALUATION CRITERIA.....	9
7. Prince George’s County Zoning Ordinance.....	9
8. Conceptual Site Plan CSP-17003.....	17
9. Preliminary Plan of Subdivision 4-18028.....	18
10. 2010 Prince George’s County Landscape Manual.....	19
11. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO).....	19
12. Prince George’s County Tree Canopy Coverage Ordinance.....	20
13. Referral Comments.....	20
RECOMMENDATION.....	23

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-20014  
Type 2 Tree Conservation Plan TCP2-036-2020  
Harmony at Brandywine

The Urban Design staff has completed its review of the subject application and referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION**

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and site design guidelines;
- b. The requirements of Conceptual Site Plan CSP-17003;
- c. The requirements of Preliminary Plan of Subdivision 4-18028;
- d. The requirements of the 2010 *Prince George's County Landscape Manual*;
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- g. Referral comments.

**FINDINGS**

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

- 1. **Request:** This approval of a detailed site plan (DSP) is for a 195-unit elderly care facility made up of 93 independent living apartments, 62 assisted living units, and 40 memory care home units in the Mixed Use-Transportation Oriented (M-X-T) Zone.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
<b>Zone</b>	M-X-T	M-X-T
<b>Use</b>	Vacant	Assisted Living Facility, Care Home, and Apartment Housing for the Elderly
<b>Total Acreage</b>	8.24	8.19 (0.05 right-of-way dedication)
<b>Gross Floor Area (GFA) (sq. ft.)</b>	0	200,500

**Floor Area Ratio (FAR) in the M-X-T Zone**

Base FAR Permitted	0.40
Total FAR Permitted*	1.40.0 FAR*
Total FAR Proposed**	0.06

**Notes:** \*With optional method of development, allowed per Section 27-548 of the Prince George’s County Zoning Ordinance.

\*\*Pursuant to Section 27-548(e) of the Zoning Ordinance, the proposed FAR shall be calculated based on the entire property (74.84 acres), as approved with the conceptual site plan (CSP). The total FAR proposed was not provided on the DSP or in the statement of justification (SOJ). A condition to include the total FAR on the DSP has been included in the Recommendation section of this report.

**PARKING AND LOADING TABULATION**

<b>Use*</b>	<b>Proposed</b>
Apartment Housing for the Elderly – 93 Units	76
Assisted Living Facility – 62 Units	35
Care Home – 40 Units	28
<b>Total Parking Spaces</b>	<b>139 (6 handicapped accessible spaces)</b>
<b>Total Loading Spaces</b>	<b>1</b>

**Note:** \*Per Sections 27-574 and 27-583 of the Zoning Ordinance, there is no specific required number of parking or loading spaces in the M-X-T Zone. The applicant has included an analysis to be approved by the Prince George’s County Planning Board. See Finding 7e for a discussion of the parking analysis.



3. **Location:** The subject property is located on the west side of MD 5 (Branch Avenue), approximately 1,600 feet north of Moores Road, in Brandywine. The site is located on Tax Map 134 in Grid E3 and F3. The site is within the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) and located in Planning Area 85A and Council District 9.
4. **Surrounding Uses:** The site is bounded to the north and west by the remainder of the Branch Avenue MXT site (CSP-17003) in the M-X-T Zone; to the east by MD 5; and to the south, by Washington Suburban Sanitary Commission (WSSC) property improved with a water storage tank in the Rural Residential Zone.
5. **Previous Approvals:** CSP-17003 (PGCPB Resolution No. 18-98) was approved by the Planning Board for a total tract of 74.84 acres on October 11, 2018. The CSP consisted of up to 450 townhouses and two-over-two units, 220 multifamily dwelling units, an assisted living facility with 120 units, and 90 senior housing dwelling units, as well as up to approximately 60,000 square feet of commercial/retail space.

On October 3, 2019, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-18028 (PGCPB Resolution No. 19-115), consisting of 407 lots and 53 parcels for the same development as shown on the CSP.

The site also has an approved Stormwater Management (SWM) Concept Plan, 60393-2017-00, which is valid through August 22, 2021.

6. **Design Features:** The applicant is proposing to develop this 8.24-acre property with an elderly care facility with 93 independent living apartments, 62 assisted living units, and 40 memory care home units. The facility will be accessed from MD 5 via a service road that will be built within the right-of-way to serve this development and the future commercial development to the north. The four-story building will be surrounded by a surface parking lot. The main entrance will face the MD 5 service road with a covered drop-off area on the second level of the building. The north side of the building presents as four stories above grade, while the south side is only three stories above grade. The building will have an enclosed courtyard and two amenity areas to the rear of the building. Staff recommends a sidewalk be provided along the frontage of the property adjacent to the service drive.



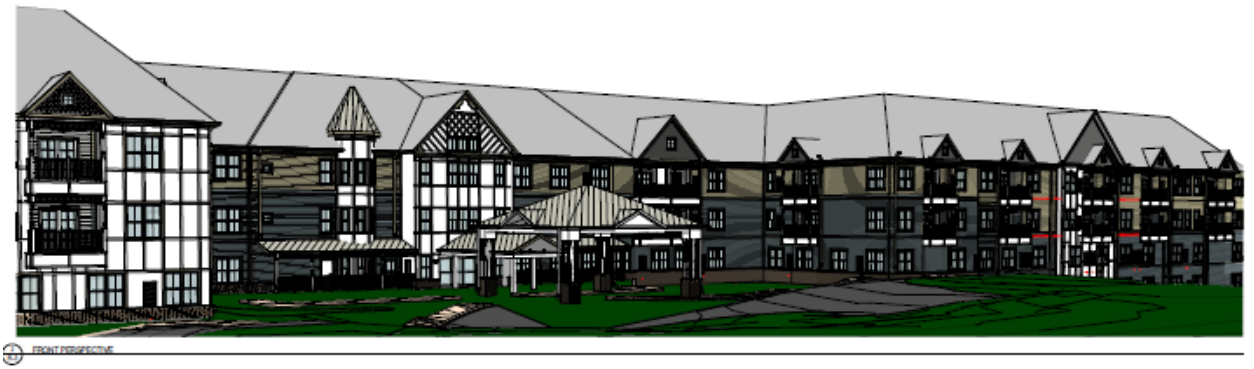
*Figure 1: Rendered Site Plan*

### **Architecture**

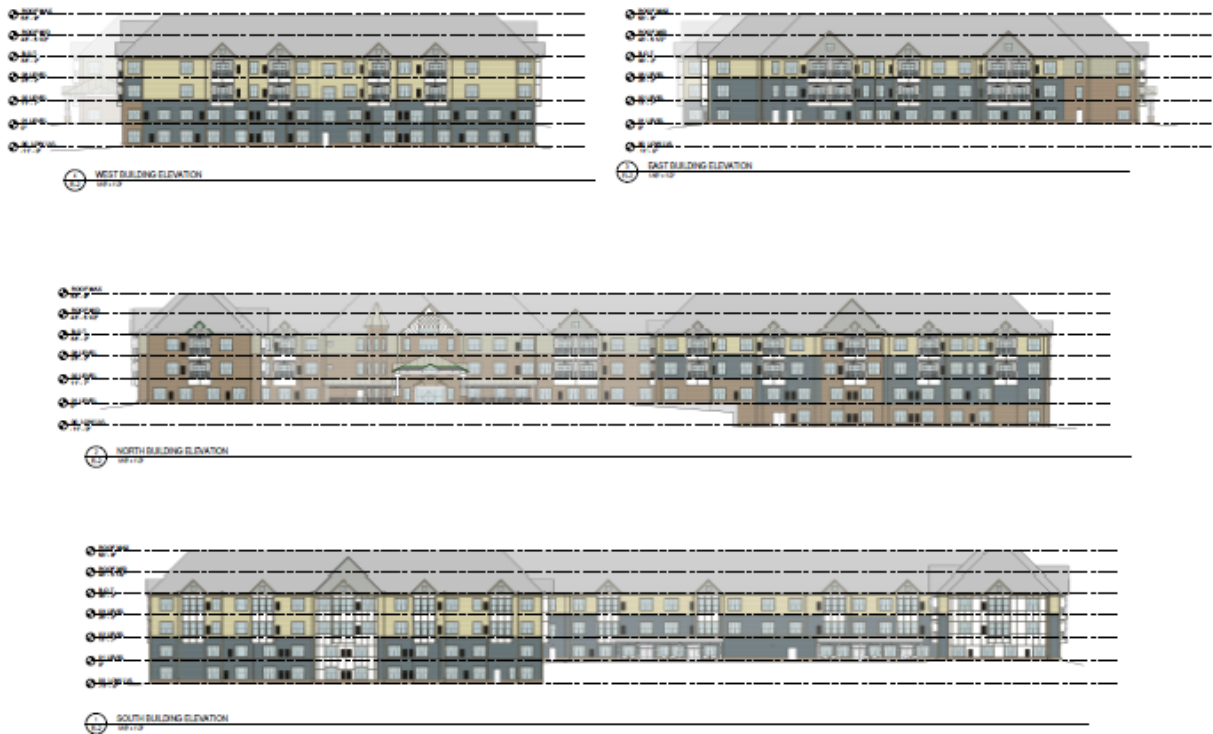
The applicant has submitted architecture with this DSP for the four-story, 54-foot-tall building. The main entrance will be highlighted with a patterned gable on the roof and a turret. Covered porches and the drop-off area canopy further highlight the main entrance. The rest of the front façade is made up primarily of two tones of brick and open balconies with Victorian detailing, topped with gabled roofs, which will provide vertical breaks in the building mass. The north end of the front façade introduces blue and yellow fiber cement siding on the upper stories. The rear and sides of the building are composed mostly of the fiber cement siding, with white vertical bays of windows also topped with gabled roofs.

### **Lighting**

The applicant is proposing lighting for the sidewalks surrounding the building and in the parking areas on-site. The photometric plan submitted with the DSP shows appropriate lighting levels in the parking area, at the building entrances, and do not bleed onto adjacent properties. The details and specifications for the lighting show two different, pole-mounted, downward facing lights with full cut-off optics, which are acceptable.



*Figure 2: Perspectives of the Front/North Elevation*



*Figure 3: West, East, North, And South Elevations*

**Recreational Facilities**

PPS 4-18028 determined that on-site recreational facilities are appropriate for the project development to serve the future residents, in accordance with Section 24-134 of the Prince George’s County Subdivision Regulations, and the standards in the Prince George’s County Park and Recreation Facilities Guidelines. This building is mostly an institutional use but will include some residences. An interior memory garden and two exterior patios in the rear of the building are proposed. In addition, there will be three activity rooms in the building, an exercise room, and a billiard room. The proposed facilities are sufficient for this phase, which will remain separate from the remainder of the residential development.

**Signage**

The DSP proposes one approximately six-foot-high, double-faced, freestanding sign at the entrance to the facility from MD 5; no building-mounted signs are proposed. The freestanding sign includes a signage panel that is mounted on a stone veneer base with a gabled cast stone cap. The signs include the logo and channel letters displaying the name of the rehabilitation center. It is noted that the freestanding sign does not include landscaping at its base and has been conditioned herein, to be added to provide seasonal interest.

**Loading and Trash Facilities**

One loading space has been proposed and is located on the west (rear) side of the building, as well as a dumpster facility and generator. Details of the 10-foot-high, brick, dumpster enclosure has been provided and found to be acceptable.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** This DSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in all mixed-use zones.
- (1) The proposed elderly care facility, which consists of assisted living facility, care home, and apartment housing for the elderly or handicapped uses (as shown on the CSP) is permitted in the M-X-T Zone.
- (2) Section 27-547(d) of the Zoning Ordinance provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:
- (d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
- (1) Retail businesses;**  
**(2) Office, research, or industrial uses;**  
**(3) Dwellings, hotel, or motel.**
- The CSP approved two types of uses, as required, including a residential component consisting of up to 450 townhouse and two-over-two units, 220 multifamily dwelling units, an assisted living facility with 120 units and 90 senior housing dwelling units, as well as 60,000 square feet of commercial/retail uses. These proposed uses satisfy the mixed-use requirement of Section 27-547(d).
- b. Section 27-548, M-X-T Zone regulations, establishes additional standards for development in this zone. The DSP's conformance with the applicable provisions is discussed, as follows:

- (a) **Maximum floor area ratio (FAR):**
- (1) **Without the use of the optional method of development—0.40 FAR**
  - (2) **With the use of the optional method of development—8.0 FAR**

Since the overall development proposed more than 20 residential dwelling units, the site qualifies for the optional method of development bonus incentives in Section 27-545(b) of the Zoning Ordinance, which permits the applicant to increase the proposed FAR to a maximum of 1.40. The proposed FAR with this DSP is 0.06.

- (b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The applicant proposes to include the uses on the M-X-T-zoned property in multiple buildings on more than one lot, as permitted by the regulations.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This DSP provides these requirements.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The schedules provided on the landscape plan shows all landscaping, screening, and bufferyards, in conformance with the Landscape Manual.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The proposed elderly care facility will have an approximate gross floor area of 200,500 square feet, which when applied to the CSP net acreage of 74.84, is a FAR of 0.06. Future DSPs for the commercial and residential development that was part of the CSP will need to reflect the total FAR, including this DSP, and demonstrate conformance.

**(f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below, public rights-of-way as part of this project. Therefore, this requirement is not applicable to the subject case.

**(g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The elderly care facility will have frontage on and direct vehicular access to MD 5, as approved by PPS 4-18028.

**(h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees**

(45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

No townhouses are proposed with this DSP, so this requirement is not applicable.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

Although the proposed building is not strictly a multifamily building, the maximum height is 54 feet, which is well within this requirement.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational**



**requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.**

This requirement does not apply to this DSP. Even though the property was placed in the M-X-T Zone through the Subregion 5 Master Plan and SMA, there are no specific design guidelines or standards for this property.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows:

**(1) The proposed development is in conformance with the purposes and other provisions of this division;**

This site is in the vicinity of the major interchange of MD 381 and MD 5 and promotes the orderly redevelopment of a vacant parcel. This project will enhance the economic status of the County by provision of desirable living opportunities for its citizens. The project implements the Subregion 5 Master Plan and SMA vision and is proximate to a proposed transit station in the core of the Brandywine community. The development will be outwardly oriented toward MD 5, but a sidewalk is conditioned to be provided along the service road for connectivity.

**(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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;**

Even though the property was placed in the M-X-T Zone through the Subregion 5 Master Plan and SMA, there are no specific design guidelines or standards for this property. This DSP has been reviewed for conformance with the applicable regulations of the M-X-T Zone.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed development displays an outward orientation, with the front façades of the building oriented toward MD 5. Staff has conditioned that a sidewalk be provided along the frontage of the development to integrate it with the adjacent development. Land immediately adjacent to this property is undeveloped, so this site seeks to catalyze adjacent improvement.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The subject project will catalyze adjacent improvements, as the majority of the adjacent property is undeveloped. The development is compatible with existing development, which is primarily residential in nature (large-lot, single-family detached), and the proposed development that is part of the CSP.

- (5) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The architecture, landscape, and signage for this elderly care facility reflects a cohesive development of continued quality and stability. The development is self-serving and will have limited connection to the surrounding parcels due to environmental features and topography. The applicable CSP includes a commercial use on the adjacent parcel, which will be near the residents of the proposed development.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The development in this DSP will not be staged. When the applicant moves forward with the commercial section of the development, staff will look for and encourage compatibility between the two phases, in terms of architecture, hardscape, landscape, and signage, as appropriate.

- (7) The pedestrian system is convenient and comprehensively designed to encourage pedestrian activity within the development;**

The project, as designed, does not encourage pedestrian activity. Staff recommends the installation of a sidewalk along the entire frontage on the MD 5 service road, which will connect this site with the adjacent commercial parcel to the north and planned master planned trail. Staff also finds that the pedestrian system is not convenient and comprehensively designed to encourage pedestrian activity within the development. Staff recommends a sidewalk be provided along the frontage of the service road with a

connection to the entrance of the building, to provide an Americans with Disabilities Act accessible route to the future development of the adjacent property to the north. These facilities will provide for a convenient and comprehensive pedestrian system.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The submitted site plan proposes pedestrian activity areas that include patio areas at the rear of the building and a memory garden within a courtyard. A sidewalk encircles the building. The human-scale architecture, outdoor patio, and balconies produce an inviting façade. Outdoor patios are shown to allow residents a gathering space. Staff finds that the pedestrian activity areas pay adequate attention to human-scale and high-quality urban design.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending its finding during its review of subdivision plats.**

The subject application is a DSP; therefore, this requirement is not applicable.

- (10) On a Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

PPS 4-18028 was approved by the Planning Board on October 3, 2019, at which time a finding of adequacy was made for the proposed development.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

This site contains approximately 8.24 gross acres and therefore, is not subject to this requirement.

- d. Section 27-274(a)(6) of the Zoning Ordinance establishes the required design guidelines for site and streetscape amenities for CSPs and DSPs. The proposed plan generally meets all of the site design guidelines by providing safe, efficient, and convenient vehicular and pedestrian circulation, if revised as conditioned, adequate lighting, and landscaping to enhance the enjoyment of the site.
- e. In accordance with Section 27-574, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b) of the Zoning Ordinance.

Since this DSP only includes the elderly care facility use, there will not be any sharing of parking spaces, until such time as the commercial component moves forward with a DSP. The number of parking spaces required was calculated in accordance with Section 27-574(b). The first step in determining the number of required parking spaces is to calculate the peak parking demand. Section 27-574(b)(1) of the Zoning Ordinance provides the following:

- (1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one hour and are known as the peak parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80%) of the peak demand, eighty percent (80%) of the peak parking demand spaces are being occupied).**

Section 27-568 of the Zoning Ordinance provides a parking requirement of 0.66 parking spaces per dwelling unit for apartment housing for the elderly or physically handicapped, and one parking space per three residents for an assisted living facility and nursing/care home, which would result in a standard total parking requirement of 97 parking spaces.

The applicant is providing 139 parking spaces and a parking analysis was provided in accordance with Section 27-574. The Transportation Section found that the parking provided with this DSP exceeds the standard parking requirements and the community will be adequately parked, as proposed.

8. **Conceptual Site Plan CSP-17003:** CSP-17003, for up to a total of 670 single-family attached, two-family attached (2-over-2), and multifamily residential units, up to 120 assisted living units, and 90 senior housing units, was approved by the Planning Board for the total gross tract of 74.84 acres on November 8, 2018 (PGCPB Resolution No. 18-98), subject to four conditions. Of these conditions, the following are applicable to the review of this DSP:

2. **At the time of preliminary plan of subdivision (PPS), the applicant shall:**

- d. **Provide the master plan trail along one side of A-65 (Savannah Parkway) and a standard sidewalk along the other. Show the appropriate dedication of right-of-way for the proposed A-65 that shall accommodate the master plan trail.**
- e. **Evaluate if a trail access may be appropriate between the planned commercial development area and the residential development areas.**
- f. **Provide an extension of "Street B" to connect with the existing stub end of Malthus Street.**

The planned facilities along A-65 (Savannah Parkway) and the extension of Proposed Street B are included in PPS 4-18028 and satisfy subconditions 2.d and 2.f above. An additional trail connecting the proposed western residential section with the commercial property was evaluated with the PPS and found to be infeasible due to environmental constraints. Pedestrian and bicycle access will be provided throughout the property via the master plan side path along A-65. Moreover, the submitted plans include a pedestrian connection between the subject site and the adjacent vacant lot to facilitate future connections.

3. **Prior to approval of a detailed site plan for the project, the applicant shall:**

- a. **Provide on-site private recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*. The specific timing of installation, type, quantities and location of the required on-site recreational facilities shall be evaluated and decided with the DSP.**

On-site private recreational facilities, including a memory garden, two outdoor patios, game rooms, and multipurpose rooms are proposed with this DSP. The applicant has demonstrated that these facilities are sufficient for the proposed units and users. These facilities should be finished prior to the final certificate of occupancy of the building, as conditioned herein.

- b. **Provide sidewalks on both sides of all internal roads consistent with the Complete Streets Policies of the MPOT, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.**

The proposed building is surrounded by a surface parking lot and has direct access to MD 5 with no internal roads.

- d. **Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.**

A bike rack with space for three bicycles is provided at a location convenient to the entrance of the proposed elderly care facility.

- 9. **Preliminary Plan of Subdivision 4-18028:** The site is subject to PPS 4-18028 (PGCPB Resolution No. 19-115), approved by the Planning Board on October 24, 2019, for development of 407 lots and 53 parcels for uses including townhouses, commercial, and an elderly care facility, subject to 24 conditions. Of these conditions, the following are applicable to the review of this DSP:

- 4. **Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, and details of the off-site bus shelters and any associated sidewalk, crosswalk and Americans with Disabilities Act ramp improvements, consistent with Section 24-124.01(f) of the Subdivision Regulations.**

The exhibit required per Section 24-124.01 of the Subdivision Regulations is included in the subject application and will be further reviewed at the time of permit for financial assurances and/or construction.

- 5. **Total development within the subject property shall be limited to uses that would generate no more than 491 AM and 476 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of the adequacy of transportation facilities.**

This phase of the development represents a 240-bed assisted living facility. Based on trip generation rates (ITE-Code 254) from the *Trip Generation Manual, 10th Edition* (Institute of Transportation Engineers), this development will generate 43 AM and 70 PM peak hour trips. Consequently, the trip cap will not be exceeded by this phase of the development.

- 14. **Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:**

- a. **Grant 10-foot-wide public utility easements along the public and private rights-of-way as delineated on the preliminary plan of subdivision.**
- b. **Dedicate the public rights-of-way as delineated on the approved preliminary plan of subdivision.**

The DSP reflects 10-foot-wide public utility easements along the public and private rights-of-way, in conformance with subcondition 14.a. A total dedication area of 14,699 square feet (20 feet wide) along the MD 5 frontage of the site was approved with the PPS. However, the DSP provides a dedication area of 2,252.42 square feet along only a portion of the MD 5 frontage. A 20-foot-wide dedication along the

entire frontage of Parcel WW should be provided. This difference will need to be rectified to satisfy subcondition 14.b.

15. **The applicant shall allocate appropriate and developable areas for the private recreational facilities within the residential development. The private recreational facilities shall be evaluated by the Urban Design Review Section of the Development Review Division for adequacy and proper siting during its consideration of the detailed site plan.**

General Note 15 on the DSP states that mandatory park dedication requirement is being providing as part of PPS 4-18028, which met this requirement by showing on-site private recreation facilities. However, the PPS did not designate a dedicated area within Parcel WW to address this requirement. General Note 15 should be revised to correctly state how the mandatory park dedication requirement is being met, as conditioned herein.

19. **Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.**

A SWM Concept Approval Letter, 60393-2017-00, and associated plans were submitted with the application for this site. This approval was issued for the entire Branch Avenue M-X-T project area on August 22, 2018, from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to construct grass swales, micro-bioretention ponds and submerged gravel wetland structures. A SWM fee of \$102,250.00 for on-site attenuation/quality control measures are required. This SWM approval expires August 22, 2021.

10. **2010 Prince George's County Landscape Manual:** This site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements of the Landscape Manual. The correct schedules are provided on the landscape and lighting plan, demonstrating conformance to these sections with sufficient widths and plantings. The generator in the rear of the property will be seen from outdoor living areas and details of the generator screening should be provided, as conditioned herein.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the WCO because it has previously approved tree conservation plans. A Type 2 Tree Conservation Plan TCP2-036-2020 was submitted with this DSP.

This DSP is for Phase 1 of the overall development and for off-site improvements for this phase. As required, the TCP2 shows the limits of the overall 74.85-acre project. Based on the TCP2, this 9.01-acre Phase 1 contains 9.00 acres of net tract woodland and has a woodland conservation threshold of 1.35 acres (15 percent). The Woodland Conservation worksheet shows the clearing of 7.39 acres in the net tract area, 0.00 acre in the floodplain, and 0.49 acre off-site, resulting in a woodland conservation requirement of 13.13 acres for the phase. The TCP2 worksheet indicates the requirement for this phase is proposed to be met with 1.61 acres of on-site woodland preservation and 11.52 acres of off-site woodland conservation credits. The requirements for the overall site are 13.13 acres. No specimen

trees will be removed in Phase 1 of this subdivision. Minor technical changes are required to the TCP2, which are conditioned herein.

**12. Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 8.24 acres in size and requires 0.82 acre of TCC, although the schedule incorrectly states the site area as 8.07 acres and requirement as 8.01. However, the schedule provided on the landscape plan shows that the coverage provided (1.66 acres) is greater than the requirement. A condition to provide the correct site area and required coverage on the TCC schedule is included in the Recommendation section of this report.

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

- a. **Archeological Review**—In a memorandum dated December 10, 2020 (Stabler to Hurlbutt), incorporated herein by reference, the Historic Preservation Section determined the subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources. A Phase I archeology survey was conducted on the subject property in 2017 and no sites were identified on this portion of the overall property.
- b. **Community Planning**—In a memorandum dated December 10, 2020 (Calomese to Hurlbutt), incorporated herein by reference, the Community Planning Division indicated that pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated December 14, 2020 (Burton to Hurlbutt), incorporated herein by reference, the Transportation Planning Section provided findings regarding development in the M-X-T Zone, and found access and circulation acceptable.

The Transportation Planning Section concluded that the proposed DSP is deemed acceptable, from the standpoint of transportation.

- d. **Trails**—In a memorandum dated December 14, 2020 (Smith to Hurlbutt), incorporated herein by reference, the trails planner provided findings of conformance with previous conditions of approval, as well as the following summarized findings:

The area master plan recommends promoting pedestrian and bicycle opportunities as part of a multi-modal transportation network, and to promote and encourage cycling and walking for commuting purposes as an alternative to driving a car. The 2009 *Approved Countywide Master Plan of Transportation* recommends a standard-width sidewalk on both sides of all new road construction and bicycle-friendly roadways, with on-road bicycle facilities, to the extent feasible and practical.



The Transportation Planning Section finds that the multimodal transportation site access and circulation of this plan is acceptable, consistent with the site design guidelines pursuant to Sections 27-283 and 27-274 of the Zoning Ordinance, parking and loading requirements pursuant to Sections 27-568 and 27-582 of the Zoning Ordinance, and the M-X-T design guidelines pursuant to Section 27-546 and meets the findings required by Section 27-285(b) of the Zoning Ordinance for a DSP for multimodal transportation purposes, as conditioned herein.

- e. **Environmental Planning**—In a memorandum dated December 10, 2020 (Schneider to Hurlbutt), incorporated herein by reference, the Environmental Planning Section provided the following summarized comments:

A Natural Resource Inventory, NRI-120-2017-01, was provided with this application. The TCP2 and the DSP show all the required information correctly, in conformance with the NRI.

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible per Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include a 75-foot stream buffer and steep slopes, which make up the primary management area (PMA).

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

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code. Impacts to regulated environmental features must first be avoided and then minimized. The SOJ must address how each on-site impact has been avoided and/or minimized.

According to the TCP2, impacts to the PMA are proposed for emergency access (Impact 4), grading during access construction (Impacts 1 and 3), and one SWM outfall for a road crossing (Impact 2). A SOJ was received with the revised application dated May 12, 2020 for the proposed impacts to the PMA (stream buffer and steep slopes). The impact numbers from the SOJ have been rounded to the required 1/10th of an acre herein.

The SOJ includes a request for four separate PMA impacts totaling 5,879 square feet (0.13 acre) of the stream buffer and steep slopes described as follows:

Impact 1: PMA impacts totaling 87 square feet for the grading and construction on steep slopes for a rear building access drive. The construction impacts are being minimized but are needed as part of the Prince George's County Fire Marshall's recommendation to have emergency vehicle access around the building. This impact is also proposed to allow the construction equipment safe access when grading the existing steep slopes.

Impact 2: PMA impacts totaling 1,160 square feet for the construction of one SWM outfall structure. The impacts are to the 75-foot stream buffer.

Impact 3: PMA impacts totaling 313 square feet for the grading and construction on steep slopes for the rear building access drive. The construction impacts are being minimized but are needed as part of the Prince George's County Fire Marshall's recommendation to have emergency vehicle access around the building. This impact is also proposed to allow the construction equipment safe access when grading the existing steep contours. The impacts are to the 75-foot stream buffer and steep slopes.

Impact 4: PMA impacts totaling 4,319 square feet for the grading and construction on steep slopes for emergency access to the building. The Prince George's County Fire Marshall recommended emergency vehicle access around the rear of the building. To create this access, the adjacent steep contours were impacted. Slopes are proposed at a 2:1 ratio to tie back into existing contours. The impacts are to steep slopes and the 75-foot stream buffer.

These impacts are found to be necessary and staff recommends approval of them.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated December 3, 2020 (Sun to Hurlbutt), incorporated herein by reference, DPR referred to the PPS condition regarding on-site recreational facilities and a trigger for construction. DPR finds that this DSP has no impact on any existing or future public parks in this area.
- g. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department did not provide any comments on the subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not provide any comments on the subject application.
- i. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not provide any comments on the subject application.

- j. **Prince George’s County Health Department**—In a memorandum dated October 20, 2020 (Adepoju to Hurlbutt), incorporated herein by reference, the Health Department provided comments and recommendations regarding other permit processes and standards for construction.
  - k. **Washington Suburban Sanitary Commission (WSSC)**—In a letter dated October 22, 2020 (Hall to Holmes(applicant)), incorporated herein by reference, WSSC provided water, sewer, and associated easement conditions to be addressed with WSSC prior to development of the site.
14. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if approved with the proposed conditions below, will represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
  15. As required by Section 27-285(b)(2) of the Zoning Ordinance, this DSP is also in general conformance with the approved CSP.
  16. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
    - (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

Based on the level of design information currently available and the limits of disturbance shown on the TCP2, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The impacts necessary for emergency access, grading during access construction, and one SWM outfall are necessary for the orderly and efficient development of the subject property.

**RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20014 and Type 2 Tree Conservation Plan TCP2-036-2020, Harmony at Brandywine subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
  - a. Revise General Note 9 to provide the correct tax map and grid designations as Grids E-3 and F-3.
  - b. Revise the right-of-way dedication shown along the site frontage of MD 5 to reflect the dedication area approved in Preliminary Plan of Subdivision 4-18028. Adjust all other notes and plan features as necessary to remove this area from the development.

- c. General Note 15 should be revised to correctly state how the mandatory park dedication requirement is being met.
- d. Revise the provided red boundary line to only include Parcel WW, the subject of this application.
- e. Provide landscaping at the base of the freestanding sign to provide seasonal interest.
- f. Provide a standard minimum five-foot-wide sidewalk, and associated crosswalks and Americans with Disabilities Act curbs ramps, along the service road to connect the subject site and the adjacent parcel to the north, unless modified by the Maryland Department of Transportation State Highway Administration with written correspondence. Provide a sidewalk connecting to the building entrance from the service road sidewalk.
- g. Revise the Tree Canopy Coverage worksheet on the Landscape Plan to show the correct site area and demonstrate the required coverage is provided on this site.
- h. Provide details and note the type of screening for the generator at the rear of the property to conform to Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
- i. Note the total floor area ratio proposed with regard to the overall conceptual site plan on the cover sheet of the DSP.
- j. Revise the Type 2 tree conservation plan (TCP2) as follows:
  - (1) Increase the size of the TCP2 approval box to a legible size.
  - (2) Revise Sheet 3 of 4 to label Crestwood Road South.
  - (3) Revise Sheet 3 of 4 to add another "Shady Oak Parkway" label to the adjacent match line section.
  - (4) Revise Sheet 3 of 4 to label the Branch Avenue M-X-T triangle property on the east side of Branch Avenue. The parcel is shown with a line symbol but needs an explanation text of ownership.
  - (5) Revise Sheet 3 of 4 to label existing house on the plan view.
  - (6) Add the standard off-site woodland credits note to the plan per the Environmental Technical Manual. Have the revised plan signed and dated by the qualified professional preparing the plan.

- (7) Documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

2. Prior to issuance of the final certificate of occupancy of the building, the applicant shall demonstrate that all on-site recreational facilities have been fully constructed and are operational.

ITEM: 7

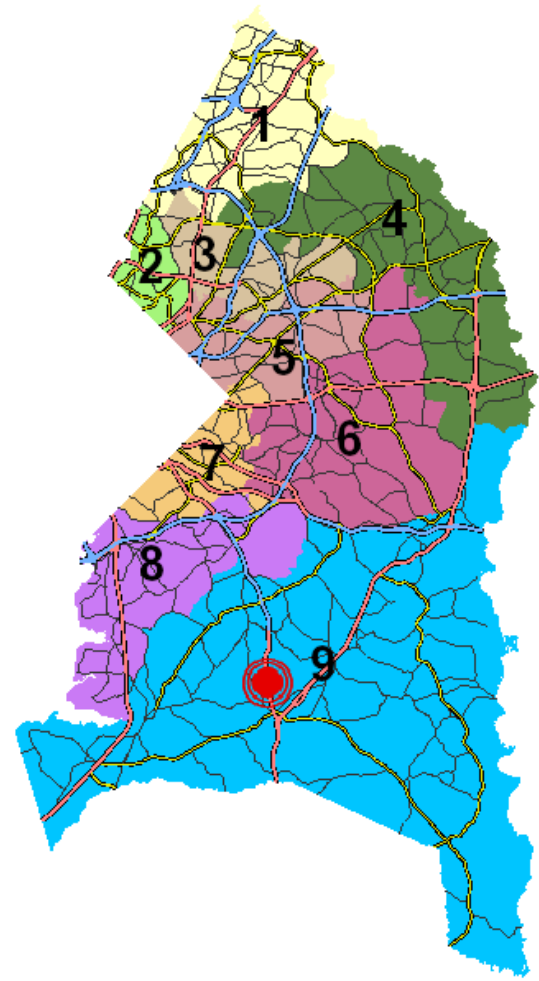
CASE: DSP-20014

# HARMONY AT BRANDYWINE

THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT














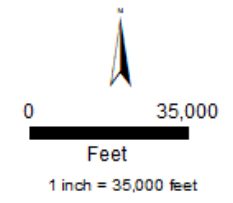
# GENERAL LOCATION MAP



## GENERAL LOCATION MAP

### Legend

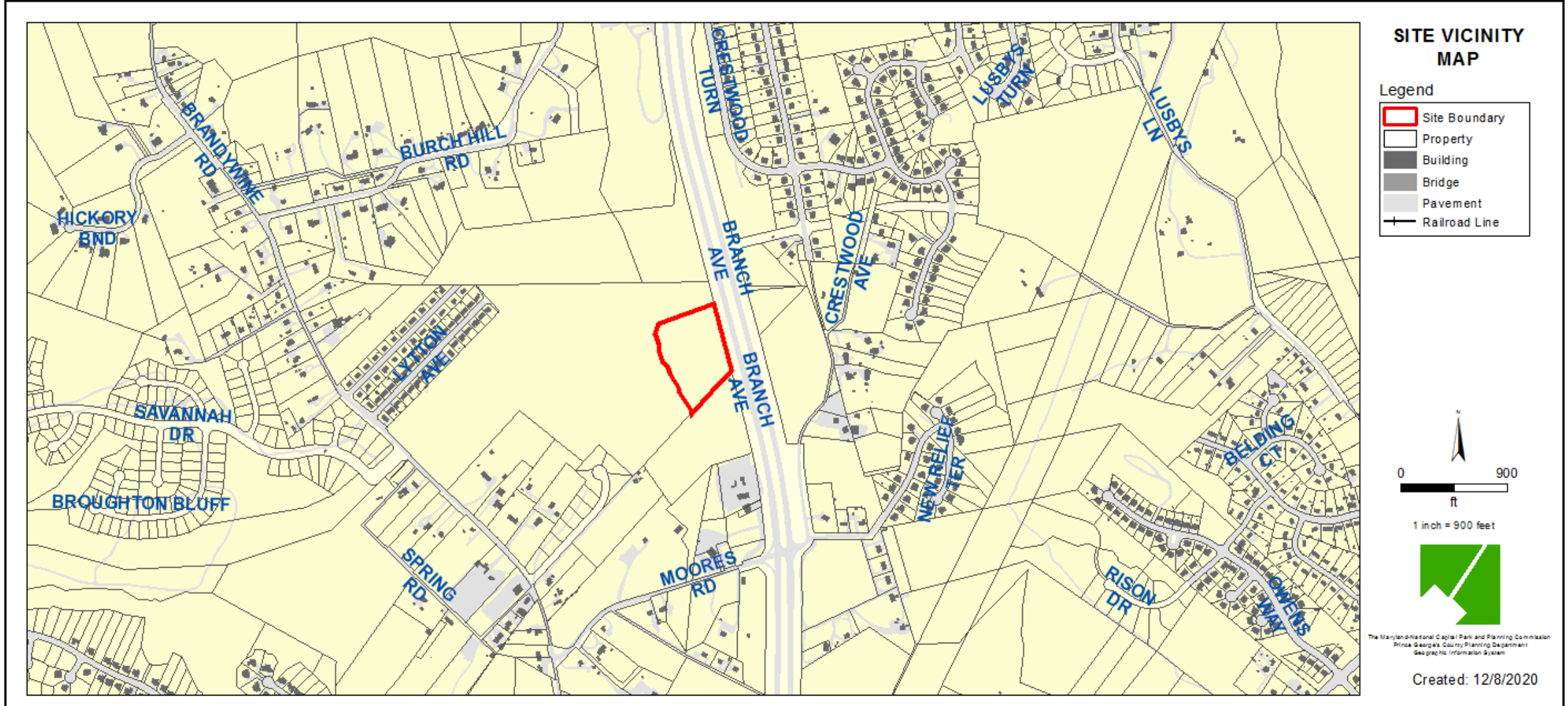
-  Site Location
-  Major Roads
- Councilmanic Districts**
-  1
-  2
-  3
-  4
-  5
-  6
-  7
-  8
-  9



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Geographic Information System

Created: Date: 12/8/2020

# SITE VICINITY







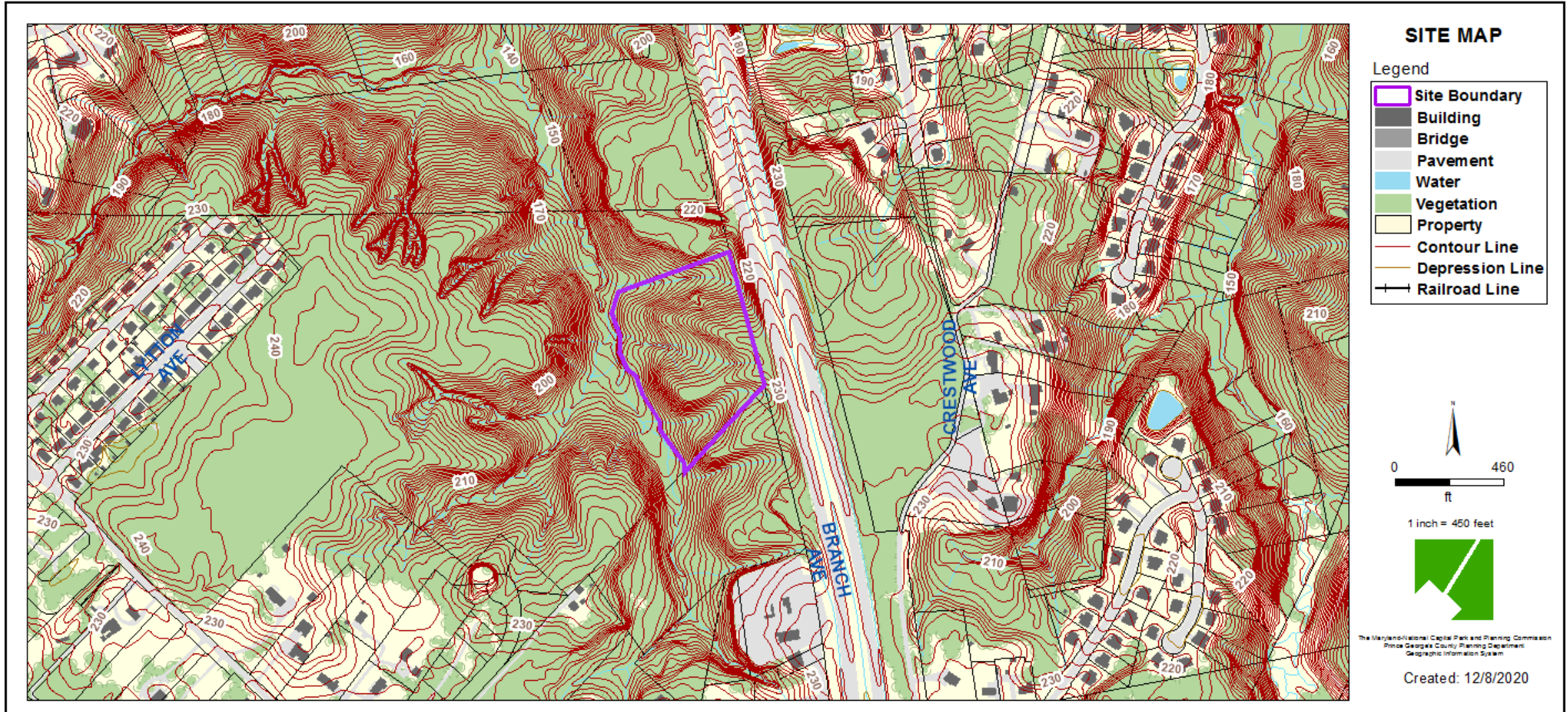


# AERIAL MAP

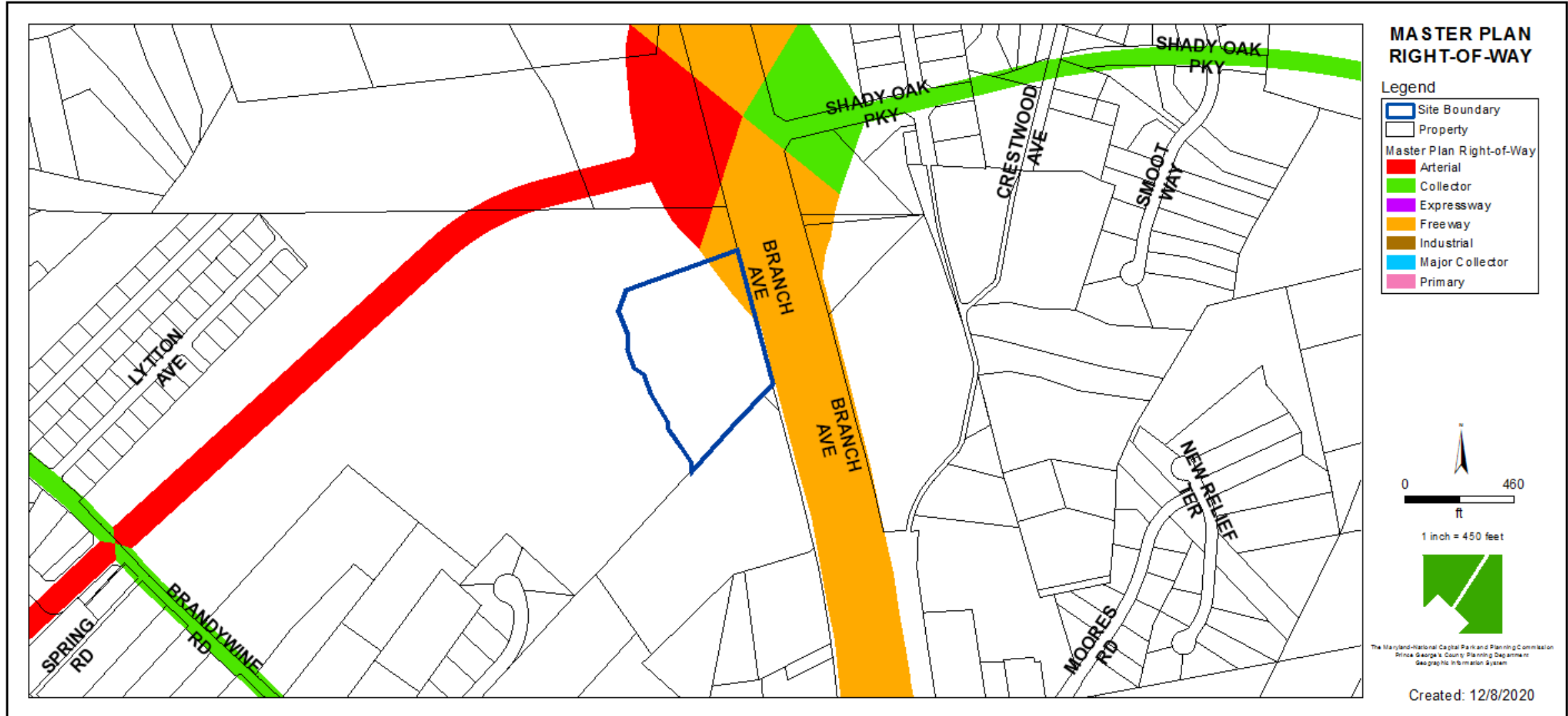




# SITE MAP

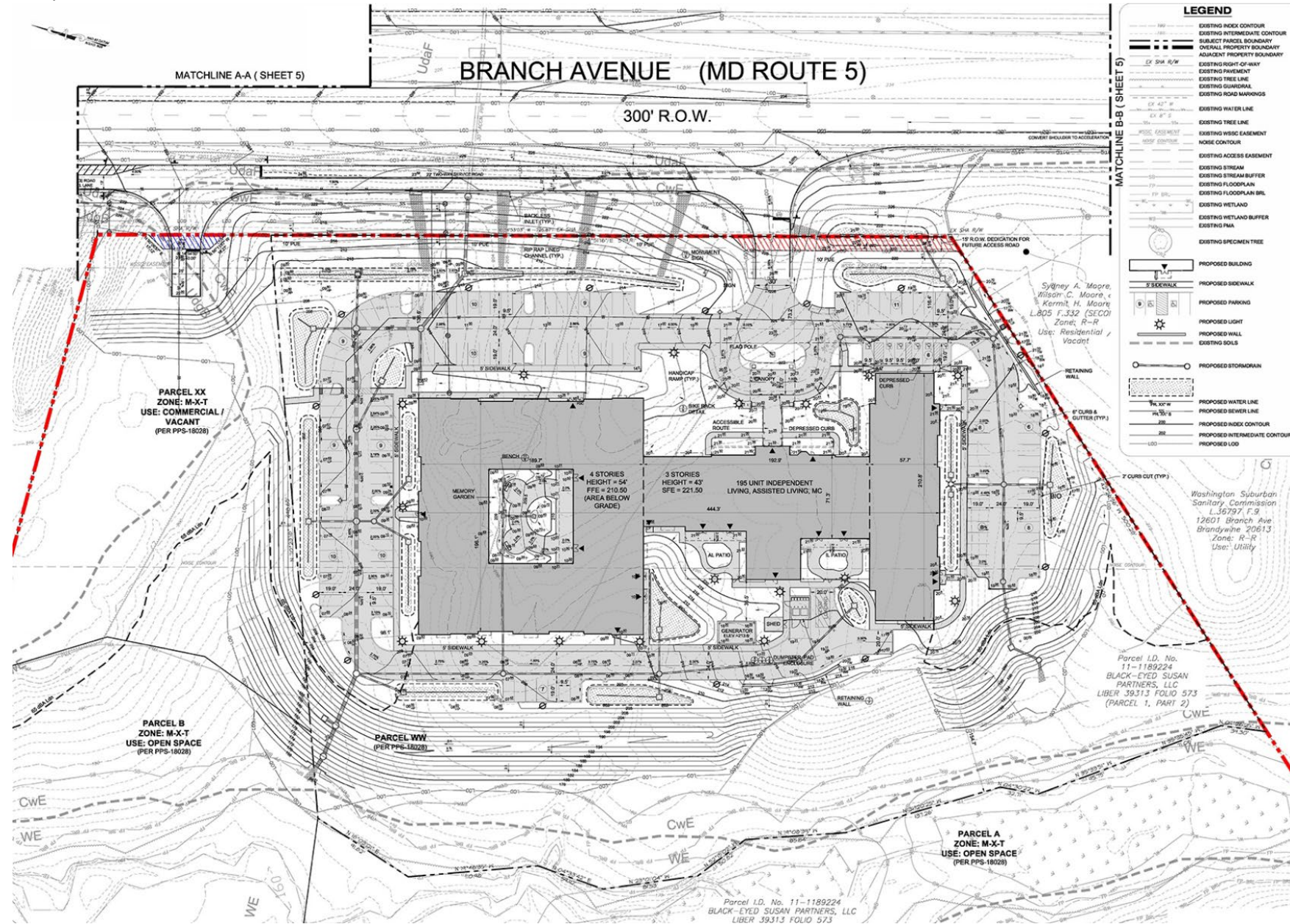


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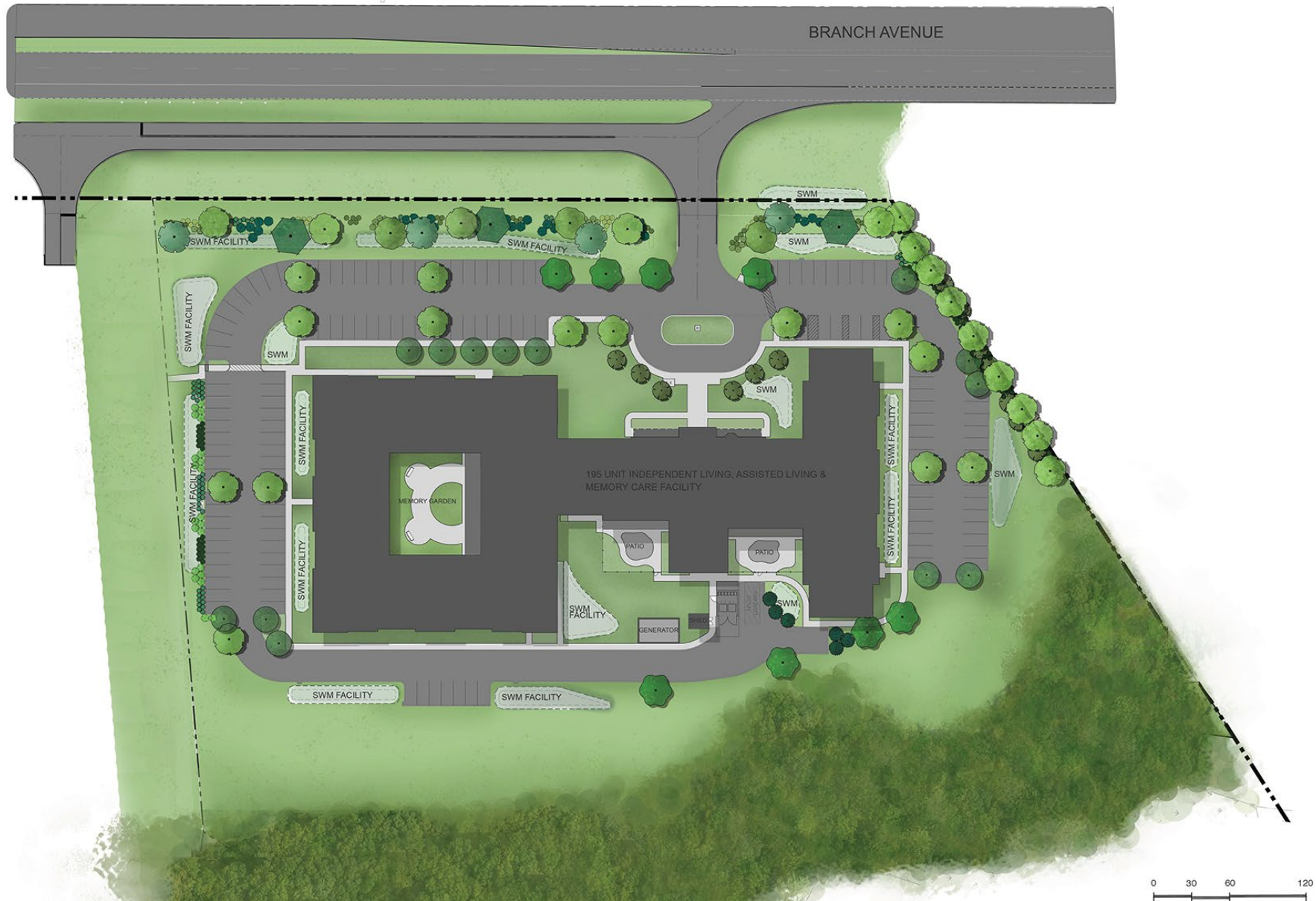


# SITE PLAN





# LANDSCAPE RENDERING



# ELEVATION RENDERING



2 FRONT PERSPECTIVE

EL3



1 FRONT PERSPECTIVE, BRANCH AVE

EL3



# ELEVATIONS



2 FRONT PERSPECTIVE  
EL-1



1 FRONT PARTIAL BUILDING ELEVATION (5,685 SF BRICK / 9,107 SF FACADE = 62% BRICK)  
3/32" = 1'0"





# ELEVATIONS



# ELEVATIONS



4 OVERALL ELEVATION - D  
1/16" = 1'-0"



3 OVERALL ELEVATION - C  
1/16" = 1'-0"



2 OVERALL ELEVATION - B  
1/16" = 1'-0"

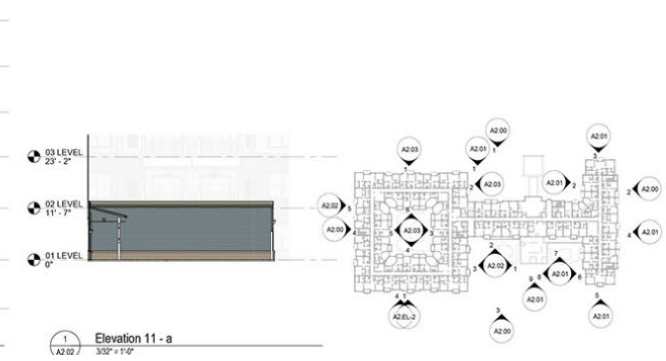


1 OVERALL ELEVATION - A  
1/16" = 1'-0"

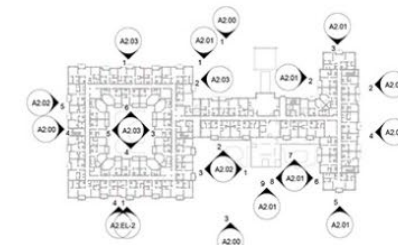




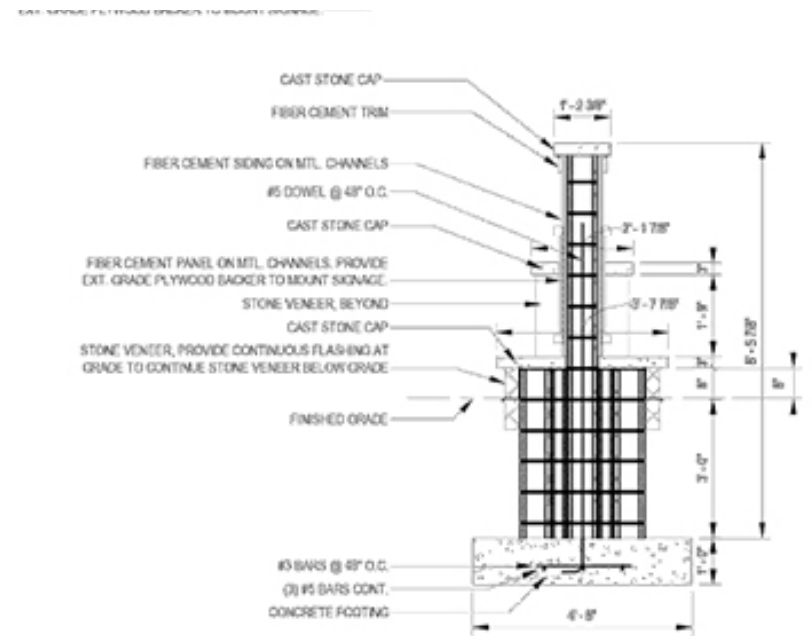
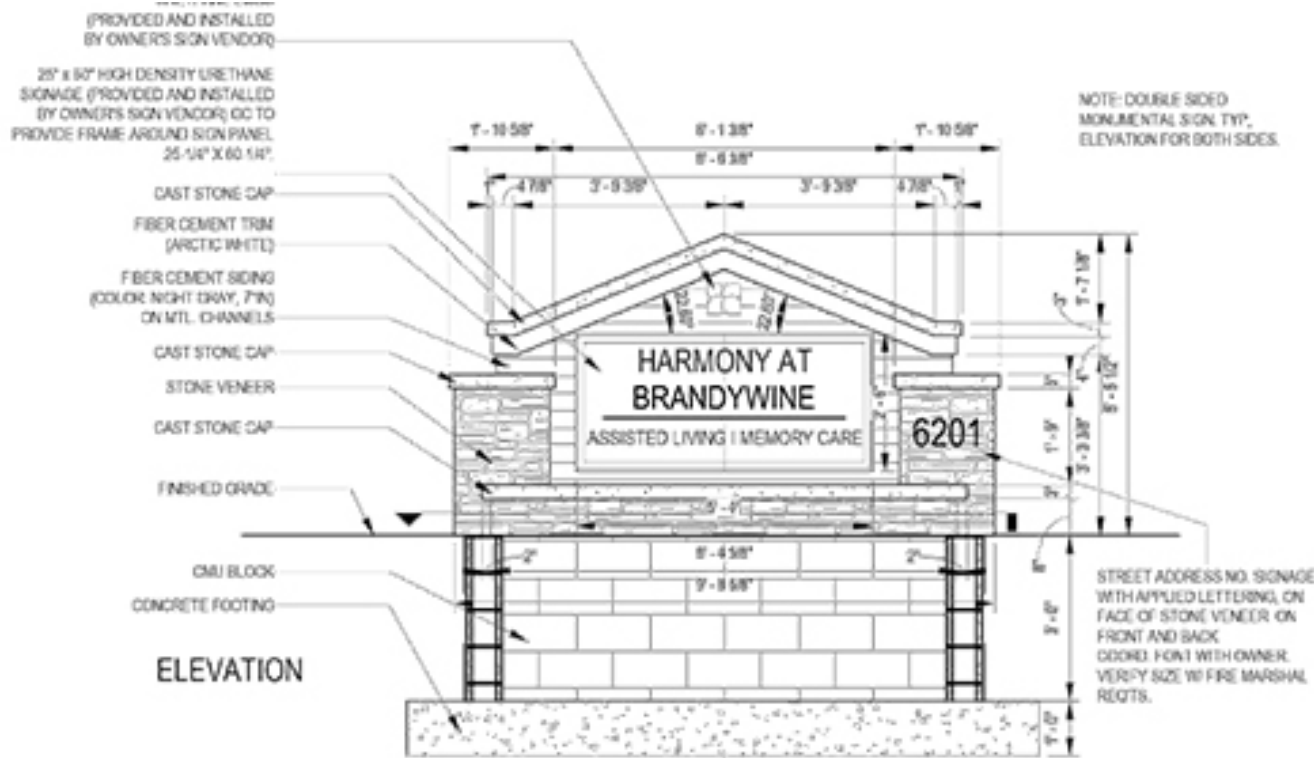
# ELEVATIONS



# ELEVATIONS

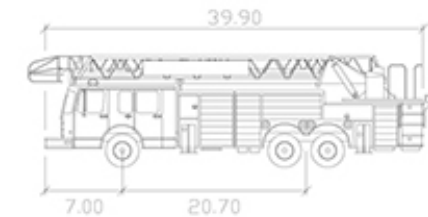
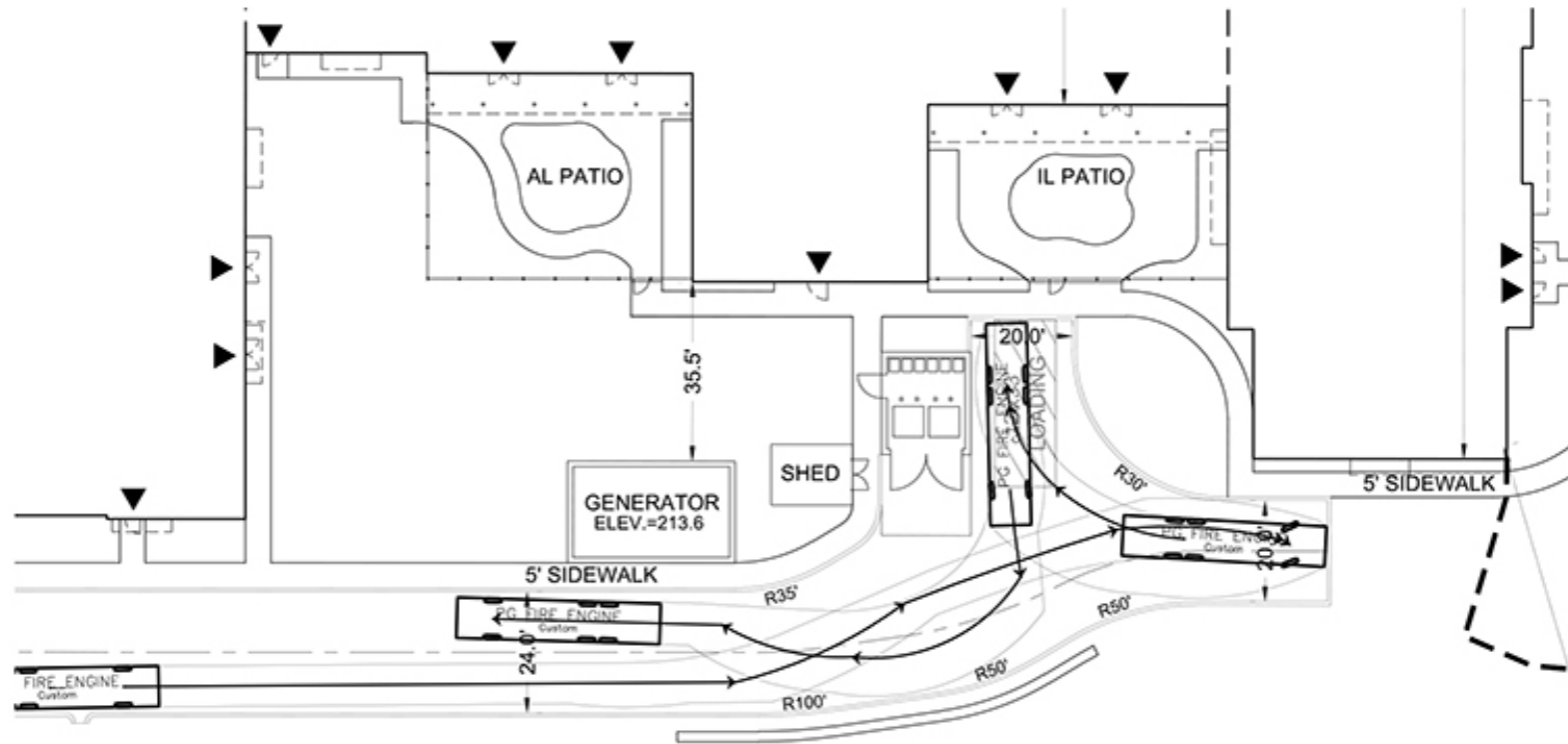


# SIGNAGE



12 MONUMENT SIGNAGE DETAILS  
6 SCALE: NTS

# TRUCK TURNING EXHIBIT



PG FIRE ENGINE

	feet
Width	: 8.00
Track	: 8.08
Lock to Lock Time	: 6.0
Steering Angle	: 37.0

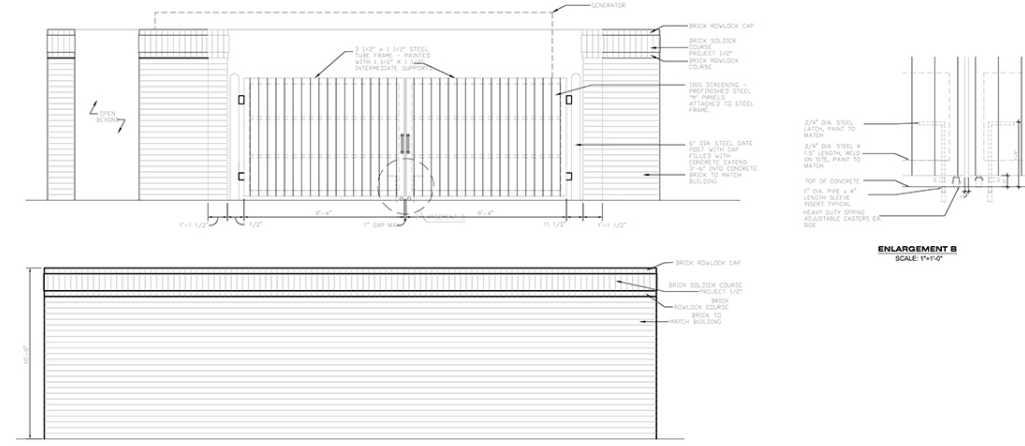
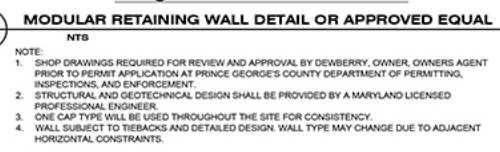
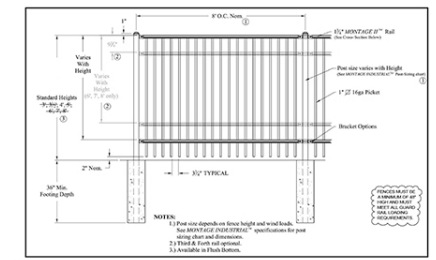
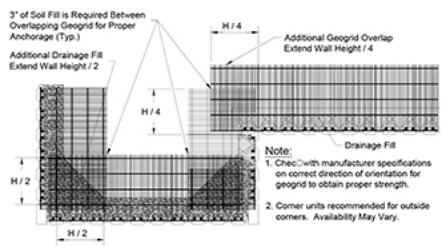
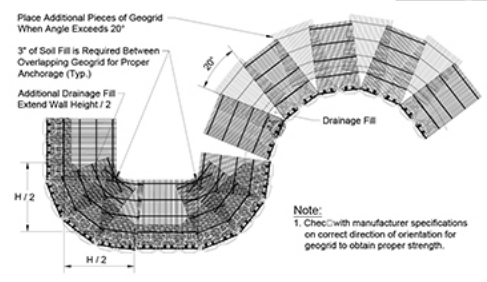
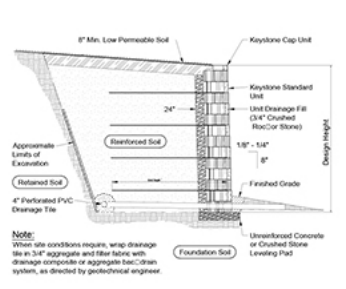
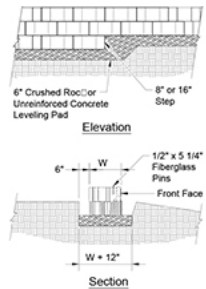
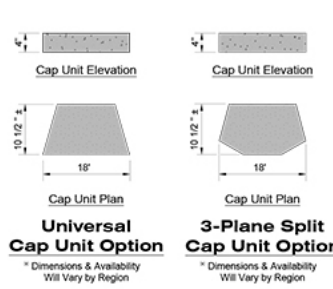
TRUCK TURNING EXHIBIT  
PLAN VIEW

SCALE: 1"=20'-0"





# SITE DETAILS: RETAINING WALL & FENCE













**STATEMENT OF JUSTIFICATION**  
**HARMONY AT BRANDYWINE**  
**ELDERLY CARE FACILITY**  
**DSP-20014**

**Applicant**

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301-337-2863

## TABLE OF CONTENTS

1.0	INTRODUCTION/OVERVIEW	1
2.0	RECENT ZONING HISTORY OF SUBJECT PROPERTY	1
3.0	SUMMARY OF DEVELOPMENT PROPOSAL	2
4.0	CONFORMANCE WITH THE CONDITIONS OF CSP-14003	5
5.0	CONFORMANCE WITH THE CONDITIONS OF 4-14020	8
6.0	CONFORMANCE WITH GENERAL PURPOSES OF DSP'S	11
7.0	CONFORMANCE WITH THE PURPOSES AND REGULATIONS OF THE M-X-T ZONE	12
8.0	CONFORMANCE WITH SPECIFIC PURPOSES OF DSP'S	15
9.0	CONFORMANCE WITH THE CRITERIA OF APPROVAL OF DSP'S	16
10.0	CONCLUSION	23

## **1. INTRODUCTION/OVERVIEW**

Smith-Packet Med-Com, LLC, (the "Applicant" or "Smith-Packett") is the contract purchaser of approximately 8.24 acres of land located on the west side of Branch Avenue (MD 5), approximately 2800 feet south of its intersection with Burch Hill Road. The property is currently undeveloped (the "Subject Property"). The Subject Property is part of a larger property containing 72.23 acres of land which is proposed for a mixed-use development consisting 407 dwelling units, 12,000 square feet of commercial space and an elderly care facility. The elderly care facility was proposed to be located on Parcel WW as designated on the preliminary plan of subdivision. The instant application is for approval of a detailed site plan to allow for construction of that elderly care facility. The Subject Property, as is the residue of the larger parcel, is currently zoned M-X-T.

## **2. RECENT ZONING HISTORY OF THE SUBJECT PROPERTY**

The Subject Property was zoned M-X-T with the adoption of the Subregion 5 Master Plan and Sectional Map Amendment in 2013. As noted above, as noted above, the Subject Property is part of a larger parcel of land containing 72.23 acres, all of which is located on the west side of Branch Avenue. The property extends from Branch Avenue to Brandywine Road. The property is impacted by a proposed Master Plan right of way known as A-65. This Master Plan right of way intersects with Branch Avenue just north of the Subject property, and then extends to the west and south, entering the larger M-X-T zoned property. It then extends along the northern boundary of the property to Brandywine Road. Across Brandywine Road, the A-65 right of way has been partially constructed and is known as Savannah Parkway. While the Master Plan right of way does not touch the Subject Property, it does impact access to the property, as described in greater detail below.

In 2018, a Conceptual Site Plan was filed for the larger site, known as CSP-17003. The Elderly Care Facility was included on the Concept Plan. The Concept Plan was approved by the Planning Board on November 8, 2018 pursuant to Prince George's County Planning Board Resolution PGCPB No. 18-98. The conditions adopted by the Planning Board which are applicable to this Detailed Site Plan are addressed below.

In 2019, Preliminary Plan of Subdivision 4-18028 was filed for the larger site. Again, the Elderly Care Facility was included with the Preliminary Plan. The Preliminary Plan was approved by the Planning Board on October 24, 2019 pursuant to Prince George's County Planning Board Resolution PGCPB No. 19-115. The conditions adopted by the Planning Board which are applicable to this Detailed Site Plan are addressed below.

### **3.0 SUMMARY OF DEVELOPMENT PROPOSAL**

The proposed facility will be owned and operated by Smith-Packett. Smith/Packett is the contract purchaser of the portion of the overall site which is designed for the proposed facility and has been included on the application for this reason. Smith-Packett has extensive experience in constructing and operating senior housing facilities. Smith-Packett was established in 1982 and is one of the largest senior housing and care development companies in the United States.

Traditionally, Smith-Packett has developed skilled nursing facilities for third party tenants but in the last 10-15 years the focus has expanded to developing independent living, assisted living, memory care and skilled nursing facilities. Operating under the name Harmony Living Services, Smith-Packett currently operates 17 facilities in Virginia, North Carolina, South Carolina and Pennsylvania. Harmony has 11 projects under construction in Tennessee, North Carolina, West Virginia, South Carolina, Virginia, and Pennsylvania. An additional 18 projects are in development.

Harmony is a fully-integrated management services company led by proven executives with over 100 years of combined experience and a record of successfully managing, marketing, planning, training, consulting to and turning around operations in the senior housing industry. Harmony has developed a unique care strategy to enhance its senior care services that includes aging in place services, short stay respite services and Alzheimer's services, resulting in a continuum of care for its senior residents. These core competencies have positioned Harmony to fill the gap between the majority of independent living operators who do not have the ability, the capital, nor the interest to provide care-driven senior housing, and the assisted living operators who are not equipped to meet the marketing challenges of lifestyle choice based senior properties for private pay facilities.



The Harmony at Brandywine project will be Smith-Packett's second project in the State of Maryland. Smith-Packett, through an affiliated entity known as Enterprise IL-AL Investors, LLC, will purchase Parcel WW (8.24 acres) within the Branch Avenue M-X-T project. The facility which will be constructed by Smith-Packett will include 93 independent living units, 62 assisted living units and 40 memory care units all under one roof with one central kitchen. It will be four stories and approximately 200,000 sq.ft. in size. The principals of Smith-Packett and Harmony will own the building with an option for the tenant to purchase the property in approximately five years.

The facility will offer four levels of care, which can include individual care assessments & service plans, personal laundry service, monitoring of basic health needs by a nurse, medication administration, a state-of-the-art emergency call system, ambulation, dressing, bathing, transportation services, and behavior monitoring. Clinical staff available will be available 24 hours a day. The portion of the building dedicated to memory care is a dedicated, secured area for residents to have specialized care and activities for memory loss. Based on the experience of Smith-Packett in other similar facilities, the average age of the residents in the independent living component of our community is 86 years old, 87 years old for the assisted living component and 84 years old in the memory care component. Parking is provided on site for the residents, but based on their experience at other locations, a car is a symbol of independence for the residents. Many of the independent living residents will bring their car and a few of the assisted living residents will as well. Memory Care residents do not drive. Typically, however, those who bring their car leave it parked. Our facility will provide van transportation for the activities planned into the community such as going to restaurants, the theater, religious services, grocery shopping, Walmart trips, or other field trips into the community. Scheduled transportation service is also available for doctors' visits. As a result, most residents end up giving up their car after moving into the building and experiencing the van transportation services. If the residents do drive it is typically when there is little traffic and in the middle of the day.

The facility will operate under a rental model. As a result, there is no buy in or entry fee in order to move into the facility. Residents are only asked to sign a one-year lease and pay a security deposit. For our independent living residents, the rent includes the dinner meal and for assisted



living and memory care all three meals are included in the monthly rent. The building will have one central kitchen that will serve three dining rooms. Independent living has their own dining rooms which is used mostly for dinner. Many of the independent living residents choose to have breakfast and lunch on their own. The assisted living residents have three meals a day in their dining room and memory care resident have a dedicated dining room with three meals a day.

The facilities will include several areas to provide recreation and other amenities to the residents. In addition to the three dining rooms, there are dedicated staff to organize activities. The facility will have a beauty/barber salon, a library, a bistro, a movie theater, an exercise room and housekeeping services. Respite stay is available, as is a medical director, concierge service, on-site physical rehabilitation services, as well as scheduled transportation service for doctors' visits or scheduled activities into the community, such as to restaurants, the theater, religious services, etc. In addition to interior amenities, there are several outdoor amenity areas. This facility will include a walking trail, seating areas with benches and one enclosed courtyard. One of the courtyards is a secured area for memory care residents. There is also a bocce ball court and a putting green.

The facility will have about 75 full time equivalent employees (100-130 employees total-with several part-time), who will be hired locally with about 24 staff at most in the building at any one time. The employees are typically on shift. They arrive about 20 minutes before their shift, so each shift change is still staggered. The shifts for healthcare are 7 am to 3pm, 3 pm to 11 pm, and 11 pm-to 7 am. The dining staff, including the kitchen manager, arrive in time to prepare breakfast at 6:00 a.m. then leave after dinner. Servers will also be on-site during dinner, and 2 to 8 servers for breakfast and lunch. There are about 8 to 9 housekeepers at the facility, with 2 coming in the morning for an 8 am to 4 pm shift and one in the evening. There are 3 concierges on the same schedule as the healthcare staff. These shifts are Sunday through Saturday, with the exception of the managers, Executive Director, Business Manager, Activities Director, and Health Care Director. These positions work from 8 am to 5 pm Monday through Friday.

A loading area is provided in the rear of the building for delivers. Typically, a Sysco (food service) truck comes to the

facility once every other week. Fresh food is typically delivered in box trucks twice a month. Trash is picked up twice a week and recycling is picked up once a week. The delivery trucks can all be scheduled for a specific day and time. As a result, approximately 4-5 trucks arrive per week. Other types of deliveries, such as FedEx, UPS and Post Office vehicles typically park in the front of the building in the drop-off area when making a delivery.

Finally, the building design includes several features to ensure the security and safety of the residents. A security camera system will be installed that covers the exterior of the building and main entrances. The main entrance security system includes a FOB and/or Keypad entry control and a staff notification system for after-hours visitation. The concierge at the main door is 24 hours seven days a week as well as an exterior door alarm system with voice notification to all staff. The memory care area is secured including the courtyard. There is an elevator entrapment notification with automatic 911 notification. The wireless nurse call system is for all units, bathrooms and common area gathering points. The system has pendent capability for location accuracy when residents move about the facility. The fire alarm system automatically has a 911 notification. The building will also have an emergency generator that supports all fire life safety, elevator movement, HVAC for areas of refuge during emergency situations, main kitchen equipment to include walk-in refrigerator and freezer, emergency lighting, emergency power outlets throughout the facility, and all communications systems including IT infrastructure.

#### **4.0 ANALYSIS OF CONFORMANCE WITH THE CONDITIONS OF CONCEPTUAL SITE PLAN CSP-17003**

The Subject Property is the subject of Conceptual Site Plan CSP-17003 (the "CSP"). The CSP was approved by the Planning Board by notice dated November 8, 2019 pursuant to the adoption of Planning Board Resolution PGCPB No. 18-98. The CSP was approved subject to 4 conditions. The first condition required modifications prior to certification of the CSP. These revisions were made. The second condition set forth issues to be addressed at the time of Preliminary Plan of Subdivision. These issues were addressed. Two of these conditions are relevant to the approval of this Detailed Site Plan and are addressed below.

3. Prior to approval of a detailed site plan for the project, the applicant shall:

a. Provide on-site private recreational facilities in accordance with the Park and Recreation Facilities Guidelines. The specific timing of installation, type, quantities and location of the required on-site recreational facilities shall be evaluated and decided with the DSP.

COMMENT: As described above, extensive recreational facilities and activity areas are being provided with the proposed elderly care facility. These facilities are both internal to the facility and in designated exterior locations. A list of the facilities has been provided with the application. The estimated cost of the proposed facilities is \$533,750, which is far in excess of the \$220,545 value of facilities to be typically provided to a population of this size. Of course, the nature of the facilities proposed is design to service the population of the building, consisting of elderly residents.

b. Provide sidewalks on both sides of all internal roads consistent with the Complete Streets Policies of the MPOT, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.

COMMENT: The proposed facility is not located on an internal road, but will directly connect to Branch Avenue.

c. Provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.

COMMENT: This condition is not applicable to the subject application as the property does not front on Brandywine Road.

d. Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.

COMMENT: This condition is not applicable to the subject application as the property does not include the proposed commercial development.

**e. Evaluate archeological site 18PR1106 at the Phase II level or avoid and preserve the resource in place.**

COMMENT: This condition is not applicable to the subject application as the property does not contain the archeological site. This condition will be addressed when a DSP is filed for the portion of the property containing the archeological site.

**f. Provide a final report detailing the Phase II investigations of archeological site 18PR1106 and ensure that all artifacts are curated in a proper manner.**

COMMENT: This condition is not applicable to the subject application as the property does not contain the archeological site. This condition will be addressed when a DSP is filed for the portion of the property containing the archeological site.

**g. Provide interpretive measures that address the findings of the archeological investigations, based on the significance of the findings. The interpretive measures shall be reviewed and approved by the Planning Department's staff archeologist.**

COMMENT: This condition is not applicable to the subject application as the property does not contain the archeological site. This condition will be addressed when a DSP is filed for the portion of the property containing the archeological site.

- 4. Prior to the issuance of a grading permit for the portion of the subject property that contains site 18PR1106, if Phase III archeological mitigation is necessary for site 18PR1106, the applicant shall provide a final report detailing the Phase III investigations. In accordance with Section IV.D Collections Policy of the Planning Board's Guidelines for Archeological Review, the curated artifacts and associated documentation shall be deposited with the Maryland Historical Trust's Maryland Archeological Conservation Lab at Jefferson Patterson Park and Museum in St. Leonard, Maryland.**

COMMENT: This condition is not applicable to the subject application as the property does not contain the archeological site. This condition will be addressed when a DSP is filed for the portion of the property containing the archeological site.

Based upon the above, the proposed DSP conforms to all applicable conditions adopted by the Planning Board as part of the Conceptual Site Plan.

## **5.0 ANALYSIS OF CONFORMANCE WITH THE CONDITIONS OF PRELIMINARY PLAN OF SUBDIVISION 4-18028**

The Preliminary Plan of Subdivision was approved on October 24, 2019, subject to 24 conditions. The conditions of approval which are relevant to the approval of the Detailed Site Plan are listed and addressed below.

**3. Prior to the approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:**

**a. Two bus shelters along Bus Route 36 on Brandywine Road, as shown on the bicycle pedestrian impact statement exhibit.**

COMMENT: This requirement is triggered by issuance of the first permit for the "subject property", which included the entire 72 acres. If the elderly care facility is first permit issued, this condition will be complied with at that time.

**4. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, and details of the off-site bus shelters and any associated sidewalk, crosswalk, and Americans with Disabilities Act ramp improvements consistent with Section 24-124.01(f) of the Subdivision Regulations.**

COMMENT: This is the first DSP submitted for the Branch Avenue M-X-T project. An exhibit has been included conforming to this condition.

**5. Total development within the subject property shall be limited to uses that would generate no more than 491 AM and 476 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of the adequacy of transportation facilities.**

COMMENT: The elderly care facility with 240 beds was included in the adequacy analysis reviewed at the time of preliminary plan. The proposed facility is 195 beds.

**7. Prior to approval of a building permit for the assisted living facility, a fee calculated as \$999 per residential unit, multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown, in accordance with Prince George's County Council Resolution CR-92017, or as amended, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.**

COMMENT: The appropriate fee will be paid at the time of building permit.

**11. Prior to the issuance of permits for this subdivision, a Type 2 Tree Conservation Plan shall be approved. The following note shall be placed on the final plat of subdivision:**

**"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."**

COMMENT: A Type 2 Tree Conservation Plan will be approved as part of this DSP.

**12. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-008-2018-01). The following notes shall be placed on the final plat of subdivision:**

**"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-**

2018-01), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

COMMENT: The development is in compliance with the approved Type 1 Tree Conservation Plan.

**13. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.**

COMMENT: This application does not represent a revision to the uses on the subject property approved at the time of preliminary plan.

**14. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:**

**a. Grant 10-foot-wide public utility easements along the public and private rights-of-way as delineated on the preliminary plan of subdivision.**

**b. Dedicate the public rights-of-way as delineated on the approved preliminary plan of subdivision.**

**c. Demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation. This requirement shall not apply to the final plat for Parcels XX or WW.**

COMMENT: The required PUE's will be established and the required right of way will be dedicated as applicable to the proposed parcel. No HOA is required to be established at this time as the property being developed is Parcel WW.

**15. The applicant shall allocate appropriate and developable areas for the private recreational facilities within the**

**residential development. The private recreational facilities shall be evaluated by the Urban Design Review Section of the Development Review Division for adequacy and proper siting during its consideration of the detailed site plan for residential development.**

COMMENT: Appropriate and developable recreational facilities are proposed in conjunction with the elderly care facility.

**16. All on-site private recreational facilities shall be designed, in accordance with the Parks and Recreation Facilities Guidelines.**

COMMENT: To the extent applicable, the recreational facilities will be designed to conform to the guidelines.

**19. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.**

COMMENT: The proposed development conforms to the approved stormwater management concept plan.

Based upon the above, the proposed DSP conforms to all applicable conditions adopted by the Planning Board as part of the Preliminary Plan of Subdivision.

## **6.0 CONFORMANCE WITH THE GENERAL PURPOSES OF DSP'S**

The general purposes of Detailed Site Plan (DSP) are contained in §27-281(b) of the Zoning Ordinance, and are expressed as follows:

**(b) General purposes.**

**(1) The general purposes of Detailed Site Plans are:**

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plans;**
- (B) To help fulfill the purposes of the zone in which the land is located;**



- (C) To provide for development in accordance with the site design guidelines established in this Division; and
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

**Comment:** The Subject Property is zoned M-X-T and is located adjacent to Branch Avenue, a designated freeway. The Master Plan also proposes a new arterial roadway, A-65 to intersect with Branch Avenue just north of the property. A-65 extends through the larger property west of the Subject Property. The Subject Property was placed in the M-X-T zone through the adoption of the Subregion 5 Sectional Map Amendment. As a result, the proposed development implements the vision of the SMA and helps fulfill the purposes of the M-X-T Zone. The provision of elderly housing implements key recommendations of both the Master Plan and the General Plan.

## **7.0 CONFORMANCE WITH PURPOSES AND REGULATIONS OF THE M-X-T ZONE.**

The purposes of the M-X-T Zone are set forth in Section 27-542 of the Zoning Ordinance, as set forth below.

### **Sec. 27-542. - Purposes.**

(a) The purposes of the M-X-T Zone are:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

**Comment:** The Subject Property is located on a major north/south roadway serving Prince George's County. Branch Avenue extends from the Charles County border at its southern end and enters the District of Columbia at its northern end. The proposed elderly care facility is well located to serve a large population base. It will be easily accessible to a large number

of residents in the region. It will provide an excellent location for Prince George's County residents to continue to reside in the community in which they have lived and raised their families. The project will have greater visibility from the highway network and will improve the supply of quality, age restricted housing.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

**Comment:** The larger site is unique in that the majority of the property is separated from the Branch Avenue frontage by a major environmental feature. The portion of the property which fronts on Branch Avenue, including the Subject Property, is well suited to a destination use such as the proposed elderly care facility which will add a needed institutional use in south County.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

**Comment:** The Subject Property is located in an established community in the former Developing Tier, where new development is encouraged. The proposed use will be a benefit to the existing community as it will provide an opportunity for existing residents in need of additional care to remain in the community rather than being forced to relocate.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

**Comment:** The Subject Property, due to its nature, does not generate a large number of vehicle trips. The proposed institutional use has been located next to a proposed commercial area, most likely an office use, which may be able to provide medical office to the residents. Such a mix of uses is appropriate.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

**Comment:** The proposed institutional use, future commercial use and proposed townhouses will provide for a 24 hour environment which will benefit all who live, work in or visit the Subject Property.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

**Comment:** The uses proposed on site will be horizontally integrated in order to facilitate the phasing of the project.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

**Comment:** The proposed use, on a portion of the property which is physically isolate from the bulk of the land area, will create a functional relationship among the individual uses proposed on site.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

**Comment:** The M-X-T zone provides the flexibility to establish a mix of uses that would not be feasible under most zoning categories. The economies of scale created are well suited to a property with the developmental challenges which impact the larger site. The resulting development promotes optimum land planning which is preferable to any single-purpose project that could be constructed.

- (9) To permit a flexible response to the market and promote economic vitality and investment; and

**Comment:** As proposed, the Detailed Site Plan allows the flexibility needed to deliver product to the market in a phased approach as demand is available for that product.

- (10) To allow freedom of architectural design in order to

**provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

**Comment:** The proposed development will take advantage of the flexibility inherent in the M-X-T zone to propose high quality architecture appropriate for the uses proposed.

Each of the purposes discussed above is promoted by the DSP, which contributes to the implementation of the overall Master Plan.

## **8.0 CONFORMANCE WITH SPECIFIC PURPOSES OF THE DETAILED SITE PLAN**

Sec. 27-281 (c) lists the specific purposes of a detailed site plan. There are four specific purposes listed, each of which is addressed below:

**Sec. 27-281 (c) (1) (A): To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site.**

**Comment:** The submitted Detailed Site Plan demonstrates the location of the existing and proposed buildings, parking facilities, streets and green areas, as required.

**Sec. 27-281 (c) (1) (B): To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site.**

**Comment:** The submitted DSP included in this application shows the specific grading and landscape planting areas proposed for the site. There is also an approved stormwater management concept plan.

**Sec. 27-281 (c) (1) (C): To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site.**

**Comment:** The proposed elderly care facility will provide extensive internal and exterior amenities, including patios, activity rooms, exercise rooms and a secure memory garden for

those with memory issues.

**Sec. 27-281 (b) (1) (D): To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The site will singly owned and operated by an experienced provider of senior care facilities. No maintenance agreements or covenants are required to ensure such maintenance.

## **9.0 CONFORMANCE WITH CRITERIA OF APPROVAL--DETAILED SITE PLANS**

The Planning Board must find that the Detailed Site Plan satisfies the criteria of approval set forth in Section 27-285(b) of the Zoning Ordinance. These criteria are set forth below.

### **(b) Required findings.**

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.**

**Comment:** The Applicant submits that the proposed DSP for Harmony at Brandywine does represent a reasonable alternative for satisfying the site design guidelines. The property is perfectly suited for the proposed use. While visible from Branch Avenue, the property backs up to a wooded environmental feature which will provide a tranquil location for residents to sit and congregate. While the building front is exposed no noise from Branch Avenue, the Phase 1 noise study submitted with the preliminary plan of subdivision concluded that all outdoor activity areas throughout the site, include the assisted living building courtyard, will not be exposed to roadway noise above 65 dBA Ldn. Additional mitigation for outdoor activity areas throughout the site is not required. At the time building



permits are obtained, a certification will be provided demonstrating that the building construction will mitigate interior noise levels to 45 dBA Ldn or below. The architecture of the building is of high quality and is designed to meet the needs of its elderly population.

The design guidelines are set forth in Sections 27-283 and 27-274 of the Zoning Ordinance. Section 27-283 applies to Detailed Site Plans, and states that the site design guidelines are the same as those required for a Conceptual Site Plan. However, the guidelines shall only be used in keeping with the character and purpose of the proposed type of development. The design guidelines themselves, set forth in Section 27-274, address parking, loading and circulation, lighting, views from public areas, green area, site and streetscape amenities, grading, service areas, public spaces and architecture. Each of these guidelines is addressed below:

#### **Parking, Loading and circulation**

The parking loading and circulation on site were designed to provide safe and efficient circulation. The parking has been distributed around the site to avoid concentrating it in a single area. Parking is located to the front and both sides of the building. The loading area is isolated in the rear of the building, out of view from the public road. Access to the building will be from a service road to be constructed adjacent to Branch Avenue. The applicant and its consultants have met several times with the State Highway Administration to coordinate the most appropriate form of access. As noted above, the property is close to the future interchange of Branch Avenue and A-65. However, a connection to A-65 does not yet exist. It is anticipated that a service road will be required in the future and the proposed access driveway depicted on the DSP will integrate with future SHA plans. In the near future, the service road will provide access to the elderly care facility and the commercial building to be constructed.

#### **Lighting**

A lighting plan is provided with the detailed site plan. The lighting plan demonstrates that the parking areas and the

other public areas of the site are adequately lit, but that such light will not spill off site.

### **Views**

As noted above, the front of the building has been designed to face Branch Avenue, the source of public views into the site. The parking areas have been distributed around the site to not create a concentration of parking. The area abutting Branch Avenue where parking does exist is over 20 feet below the service road elevation. Therefore, the parking will not be visible from the road. As a result, the views of the site are enhanced and the proposed buildings are attractive and utilize high quality construction materials.

### **Green Area**

Ample green area is provided on site and is well designed. Green area is also preserved to the rear of the property where the outdoor activity areas are located. In the green area along the front of the building, landscaping is provided to enhance the views of the building.

### **Site and Streetscape amenities**

The residents will have site amenities provided that will enhance their quality of life. No streetscape amenities are proposed along the service road of Branch Avenue as there will be no pedestrian traffic in this location.

### **Grading**

The building has been designed to work with the existing topography and grading has been minimized to the maximum extent practicable.

### **Service Areas**

Service areas are accessible but unobtrusive, as encouraged by the guidelines.

## **Public Spaces**

There are no public spaces designed into the proposed use. The outdoor areas for residents have been located in the rear of the building to avoid being impacted by road noise associated with Branch Avenue.

## **Architecture**

The proposed architecture uses high quality materials and attractive design to create a facility which will serve the needs of the residents while also being a welcome addition to the broader community.

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

**Comment:** A Conceptual Site Plan was required for the Subject Property, which is referenced as CSP-17003. Conformance with the applicable conditions of approval are addressed above.

- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

**Comment:** The proposed Detailed Site Plan is not an infrastructure site plan and therefore this criterion is not applicable to the subject Detailed Site Plan.

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b) (5) .**

**Comment:** In addition to this specific finding, Section 27-282(E)(10) requires that a Statement of Justification be submitted describing how the proposed design preserves and restores the regulated environmental features to the to the fullest extent possible. For the Subject Property, the regulated environmental features were identified during the CSP and Preliminary Plan of Subdivision process and it was determined at that time that the regulated environmental features were being preserved to the fullest extent possible for disturbances related to the construction of required infrastructure related to site development generally. A Statement of Justification dated January 15, 2019 was filed with Preliminary Plan 4-18028 for disturbances required to construct the proposed elderly care facility. However, these disturbances were not addressed or approved at the time of Preliminary Plan. As a result, the Statement of Justification is resubmitted for approval of the proposed impacts. A total of four impacts are required for development of the property, totaling .135 acres. With approval of these impacts, the Planning Board can find that the regulated environmental features are preserved or restored to the fullest extent possible.

In addition to the above findings, the Planning Board must make the findings set forth in Section 546(d)(1)-(11), which related specifically to the M-X-T zone. Each of the subsections will be set forth below, with a corresponding comment, which provides as follows:

**(1) The proposed development is in conformance with the purposes and other provisions of this Division;**

**Comment:** The purposes of the M-X-T Zone are set forth in Section 27-542 of the Zoning Ordinance and each of the purposes is addressed above.

**(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

**Comment:** The Subject Property was placed in the M-X-T zone through a Sectional Map Amendment approved after October 1, 2006. As noted above, however, there are no specific guidelines or standards recommended for the Subject Property in the Master Plan. The proposed development will implement the mixed use zoning placed on the site by the Sectional Map Amendment.

**(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

**Comment:** The proposed development's outward orientation catalyzes adjacent community improvement and rejuvenation. As discussed above, the building will face Branch Avenue (although it is topographically well below the road elevation). Thus, the upper floors of the building will be the most visible. With the green area and landscaping provided, the building will integrate with the surrounding area.

**(4) The proposed development is compatible with existing and proposed development in the vicinity;**

**Comment:** There is very little visible development in the vicinity of the Subject Property.

**(5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

**Comment:** The proposed uses are being oriented on site to present a cohesive development.

**(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

**Comment:** The proposed development is staged. Phase 1 will be the elderly care facility, Phase 2 will be the townhouse community and Phase 3 will be the commercial development. The phasing reflects current market demand and each phase will result in a self-sufficient mixed use entity.

(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

**Comment:** The proposed development will provide walking paths adjacent to the building, but access to the rest of the development is not possible due to the steep topography of the environmental area to the west.

(8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and

**Comment:** The subject property does not propose areas which are to be used for pedestrian activities.

(9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

**Comment:** A traffic study was submitted with the CSP and the preliminary plan of subdivision which addressed the transportation facilities. A determination was made that adequate facilities will exist with the improvements as adopted with the preliminary plan.

(10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the



time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.

**Comment:** This provision is not applicable to this development.

(11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.

**Comment:** This provision does not apply to the Subject Property as it does not exceed 250 acres.

## **10.0. CONCLUSION**

In conclusion, the Applicant submits that the proposed DSP represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. In addition, the other findings required for a Detailed Site Plans in the M-X-T zone can also be made. For these reasons, the Applicant respectfully requests approval of the DSP.

Respectfully submitted,



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November 13, 2018

Black-Eyed Susan Partners, LLC  
1101 Mercantile Lane, Suite 280  
Largo, MD 20744

Re: Notification of Planning Board Action on  
**Conceptual Site Plan CSP-17003**  
**Branch Avenue MXT**

Dear Applicant:

This is to advise you that, on **November 8, 2018**, the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **November 13, 2018** of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,  
James Hunt, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. **18-98**

cc: Redis C. Floyd, Clerk of the County Council  
Persons of Record



RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 11, 2018, regarding Conceptual Site Plan CSP-17003 for Branch Avenue MXT, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) for the development of up to 450 townhouses and two-over-two units, 220 multifamily dwelling units, an assisted living facility with 120 units, and 90 senior housing dwelling units, as well as up to approximately 60,000 square feet of commercial/retail space.
2. **Development Data Summary:**

Zone Use(s)	<b>EXISTING</b> M-X-T Vacant	<b>APPROVED</b> M-X-T Single-family attached, Two-family attached, multifamily, Institutional and Commercial/retail
Acreage	74.84	74.84**
Floodplain	2.77	2.77
Total Gross Floor Area (sq. ft.)	-	1,818,000
Commercial GFA	-	60,000
Residential GFA	-	1,758,000
Total Units	-	880
Single-family and Two-family		450
Multifamily dwelling units		220
Senior housing units		90
Assisted living units		120

**Floor Area Ratio (FAR) in the M-X-T Zone**

Base Density Allowed	0.40 FAR
Residential	1.00 FAR*
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.59 FAR

**Note:** \* Additional density is allowed in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

\*\* This CSP also includes a small triangular portion of land located east of Branch Avenue in the R-R Zone that should be removed as conditioned in this approval.

- Location:** The subject property is located on the west side of MD 5 (Branch Avenue), and the east side of MD 381 (Brandywine Road) at its intersection with Savannah Parkway, approximately 1,600 feet north of Moores Road, in Planning Area 85A, Council District 9.
- Surrounding Uses:** The subject property is bounded to the east by the right-of-way (ROW) of MD 5; to the west by the ROW of Brandywine Road; to the north by vacant property in the Residential Estate (R-E) Zone, and single-family detached houses in the Rural Residential (R-R) Zone; and to the south by vacant properties and single-family detached houses in the R-R Zone.
- Previous Approvals:** The subject property is known as Tax Parcel 90 recorded in Liber 39313 folio 573 and is located on Tax Map 134 in Grid E3. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) rezoned the subject property from the R-R Zone to the M-X-T Zone (as stated in County Council Resolution CR-81-2013, Revision 4).
- Design Features:** The applicant proposes a horizontal mixed-use development consisting of residential uses; including single-family attached and multifamily dwellings, commercial and institutional uses on the subject property. The 74.84-acre irregular site has frontage on both MD 5 and Brandywine Road. A tributary to Piscataway Creek divides the site into two developable envelopes. The western portion of the property is composed of approximately 62.8 acres and is accessed directly from Brandywine Road by a proposed master plan roadway A-65, known as Savannah Parkway, which runs along the northern edge of the property. One additional access point is shown off Brandywine Road and two access points are shown off the proposed Savannah Parkway. On-site private streets connect to Brandywine Road and Savannah Parkway accessing the proposed single-family attached dwelling units. No culs-de-sac are proposed as all private streets are looped. A much smaller developable envelope is in the eastern portion of the site with one access directly from MD 5. This eastern envelope is composed of less than 14 acres and is further divided into two pods for commercial and assisted living/senior housing uses. Between the eastern and western envelopes is the regulated environmental feature related to a tributary of Piscataway Creek that prohibits any vehicular roadway connections. Pedestrian connection may be achieved in future stages of development review.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all mixed-use zones.

(1) The proposed one-family attached, two-family attached and multifamily residential, commercial/retail, and institutional uses are permitted in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of the CSP approval. Therefore, this property would be limited up to a total of 670 single-family attached, two-family attached (2-over-2), and multifamily residential units, up to 120 assisted living units, and 90 senior housing units as proposed in this CSP.

(2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

**(d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

The subject CSP is proposing two types of uses, as required; including a residential component consisting of a mix of 670 one-family attached, two-family attached, and multifamily dwelling units, as well as a commercial/retail component of approximately 60,000 square feet of gross floor area. These proposed uses satisfy the mixed-use requirement of Section 27-547(d).



- b. Section 27-548, M-X-T Zone regulations, establishes additional standards for development in this zone. The CSP's conformance with the applicable provisions is discussed, as follows:

**(a) Maximum floor area ratio (FAR):**

- (1) Without the use of the optional method of development—0.40 FAR**  
**(2) With the use of the optional method of development—8.0 FAR**

The proposed floor area ratio (FAR) is 0.59, which is below the threshold. Since the development proposes residential dwelling units, it qualifies to use the optional method of development bonus incentives in Section 27-545(b), as follows:

**(b) Bonus incentives.**

**(4) Residential use.**

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

The CSP proposes a total of 670 residential dwelling units and 210 assisted living and senior housing units with a maximum FAR of 0.59, which is well below this FAR requirement. However, it should be noted that the mix of uses, including more than 20 residential dwelling units, permits the applicant to increase the allowed FAR to a maximum of 1.4.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The illustrative plan shows that the uses included in this CSP will be located in numerous buildings on more than one lot.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is not applicable since this application is for a CSP. Subsequent detailed site plan (DSP) approvals will provide regulations for the development on this property.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining and interior incompatible land uses at the time of DSP.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the proposed development is calculated in accordance with this requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures proposed within the air space above, or in the ground below, public rights-of-way as part of this project. Therefore, this requirement is not applicable to the subject case.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The two major developable envelopes are fronting on public streets and will be accessed from public roadways including MD 5, Brandywine Road, and Savannah Parkway on the east, west and north sides. Several looped private roadways will provide on-site circulation for the proposed development within both the eastern and western envelopes. Specific lotting and street patterns, as well as the authorization of private streets or other access rights-of-way, will be further reviewed at the time of preliminary plan of subdivision (PPS).

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the

dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject CSP proposes up to 450 townhouses, which are single-family attached units. However, given the nature of the review of a CSP, conformance with these townhouse requirements will be reviewed at the time of PPS and DSP, when detailed lot and building information is available.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

The subject CSP includes residential multifamily buildings. The final architecture submitted with the required DSP will have to demonstrate compliance with this requirement. However, the CSP indicates that the buildings will be four stories tall, which should be well within the maximum height limit.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was**

**conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

This requirement does not apply to this CSP. Even though the property was placed in the M-X-T Zone through the Subregion 5 Master Plan and SMA, there are no specific design guidelines or standards for this property.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

**(1) The proposed development is in conformance with the purposes and other provisions of this Division:**

The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of Prince George's County. The proposed development, consisting of residential, institutional, and commercial/retail uses, will provide increased economic activity proximate to the intersection of MD 5 and the proposed master plan roadway (A-65). In addition, the uniform design of this property will conserve the value of land by maximizing the public and private development potential. The proposal of the new public right-of-way for Savannah Parkway, which is a master plan roadway, will encourage additional development towards the east to connect the properties across MD 5. In addition, the proposed multifamily dwellings and the commercial uses will allow more density on the site. This CSP promotes the many purposes of the M-X-T Zone and contributes to the orderly implementation of the Subregion 5 Master Plan and SMA.

**(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The applicable 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* rezoned the subject property to the M-X-T Zone. The zoning change from the Rural Residential (R-R) Zone to the M-X-T Zone created new opportunities for development in the general vicinity. The project proposes uses such as institutional and commercial/retail uses and dwelling types, which would not have been permitted under the old zoning categories; thus, is in conformance with the development concept recommended by the master plan. There are no

specific design guidelines or standards recommended for this property in the master plan.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed development will be outwardly oriented, with the proposed residential component consisting of one-family attached and two-family dwellings located in the western portion that is surrounded by the existing single-family subdivisions in the R-R Zone. The proposed institutional and commercial/retail uses are in the eastern portion, fronting MD 5, is away from the residential development. The proposed residential use in the west will strengthen the existing residential character, while the proposed commercial/retail and institutional uses in the east will catalyze adjacent community improvements.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

As stated above, the existing improvements in the vicinity of the western development pod are predominantly residential in nature. While the area surrounding the eastern pod has no built features, since most of the land along that stretch of MD 5 is vacant and undeveloped. The eastern pod of the subject CSP is the first development along that portion of MD 5 and the proposed development will set the tone, in terms of quality and aesthetics, for later development in the vicinity. At the time of DSP review, attention should be given to the design and finishing materials for those buildings along MD 5, to ensure that an attractive and high-quality streetscape will be achieved. For the western pod, attention should be given to the design of the proposed single-family dwelling units, in order to strengthen the character of the existing residential neighborhoods.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

A horizontal mix of uses has been proposed on the subject site. Specifically, in the eastern pod, a new commercial/retail and institutional character will be created along that portion of MD 5. In the western pod, additional residential use will further strengthen the existing residential character of the area. The mix of uses, in addition to other improvements and amenities of the proposed project will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed residential portion of the development will be divided from the proposed institutional use serving senior



citizens and commercial/retail uses by the environmental features. The orientation of the land bays and the distribution of the proposed uses, as shown on the illustrative plan, are acceptable, but will be further reviewed in future phases of development.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The applicant has not provided any information in the application regarding possible phasing of the proposed development. However, given the location and division of the proposed land bays on the CSP, the development can be easily and naturally divided into at least three phases. The residential component in the western pod will be self-sufficient, as far as amenities and open space are concerned, and will be integrated with the other uses via pedestrian connections, such as sidewalks on both sides of the proposed private streets, Brandywine Road, and Savannah Parkway. The institutional and commercial uses in the eastern pod will also be self-sufficient and can be easily accessible via MD 5. The connectivity issue among various uses will be further reviewed and explored at the time of PPS and DSP.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This requirement will be further evaluated in detail at the time of DSP. The illustrative CSP shows sidewalks along the private streets, Brandywine Road, and Savannah Parkway, forming a pedestrian network throughout the site.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The above finding is not applicable because the subject application is a CSP. Further attention should be paid to the design of pedestrian and public spaces at the time of DSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where**

**authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject property was rezoned to the M-X-T Zone as part of the Subregion 5 Master Plan and SMA. A traffic study was submitted with the subject CSP and the Planning Board found that the plan conforms to the required findings for approval, as discussed further in Finding 10 below.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

The above finding is not applicable because the subject application is a CSP. This requirement will be evaluated at the time of DSP for this project.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject property measures 74.84 acres and does not meet the above acreage requirement. Furthermore, it is not being developed as a mixed-use planned community. Therefore, this requirement is not relevant to the subject project.

- d. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, summarized as follows:

- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. The proposed residential buildings are being oriented such that they front on the proposed Savannah Parkway, with parking behind the proposed buildings. The commercial building is oriented

toward MD 5, with parking in the front, which is not consistent with the guideline to place parking lots to the rear or sides of structures. The parking is located as near as possible to the uses they serve for both the residential and commercial uses. Residents will have easy access to units, with parking being provided in close proximity. However, for the institutional and commercial uses along MD 5, parking should be relocated to the side and rear of the buildings. This issue will be reviewed further at the time of DSP when a final layout is proposed.

- (2) In accordance with Section 27-274(a)(5), the proposed residential units are grouped around several centrally located open spaces. The applicant further states that ample green area will be provided on-site and will be accentuated by elements such as landscaping, recreational facilities, and street furniture at the time of DSP.
- (3) In accordance with Section 27-274(a)(8), the service areas for the commercial and institutional components will need to be addressed specifically at the time of DSP.
- (4) In accordance with Section 27-274(a)(9), the applicant states that the main public spaces associated with the single-family residential component will be open spaces, and for the multifamily component, indoor amenities will provide recreational amenities. However, details regarding the open space areas and amenities within the buildings will be reviewed at time of DSP.

Additional design guidelines governing lighting, architecture, townhouse, grading, site and streetscape amenities will also be reviewed at time of DSP when the specific information is available.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). The CSP is not required to include detailed parking information. At the time of DSP review, adequate parking and loading will be required.
8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-008-2018) was submitted with the CSP application.

A Natural Resource Inventory, NRI-120-2017, was approved on July 24, 2017, and provided with this application. A revision to the NRI was required based on further analysis of the conditions in the field. A revised application was received on August 28, 2018. Significant revisions to the primary management area (PMA) were made due to the presence of steep slopes. The PMA as shown on the Type 1 tree conservation plan (TCP1) is consistent with comments based on a

review of the plan and the site visit, showing the corrected PMA. The revised NRI is expected to be approved prior to certification of the CSP and prior to acceptance of the PPS. The tree conservation plans will have to reflect the correct conditions in accordance with the revised NRI.

Based on the TCP1 submitted with this application, the site contains 72.08 acres of woodland in the net tract and has a woodland conservation threshold of 10.81 acres (15 percent). The Woodland Conservation Worksheet proposes the removal of 53.59 acres of woodland in the net tract area, 0.12 acre in the floodplain, and 0.79 acre off-site, for a woodland conservation requirement of 25.12 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 21.26 acres of woodland preservation on-site, and 3.86 acres of off-site woodland conservation credits. The forest stand delineation has identified eight specimen trees on-site. This application proposes the removal of two specimen trees. Even though the submitted TCP1 requires technical revisions, it is consistent with all applicable requirements of the WCO.

9. **Other site plan-related regulations:** Additional regulations are applicable to site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:
  - a. **2010 Prince George's County Landscape Manual**—This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements from Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual. Conformance with the requirements of the Landscape Manual will be ensured at the time of approval of a DSP for the subject project.
  - b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 74.84 acres in size and the required TCC is 7.5 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the subject project.
10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions:
  - a. **Historic Preservation**—The Planning Board adopted herein by reference a memorandum dated September 11, 2018 (Stabler to Zhang), summarized as follows:

A Phase I archeology survey was conducted on the subject property in April and May 2017. A total of 616 shovel test pits (STPs) were investigated on the property, 22 of which contained cultural material. No intact features or standing structures were noted on the property. Four archeological sites, 18PR1106 through 18PR1109, were delineated in the upland area of the property. These included a nineteenth-century domestic occupation, a nineteenth-century cemetery, and two trash scatters likely associated with the house site. Only site 18PR1106 was thought to contain potentially significant information. The Townshend Cemetery is in an area not planned for development.

The report's findings and recommendations state that site 18PR1106 contains potentially significant information on the nineteenth-century occupation of the site by the William Townshend family. Phase II investigations should be conducted on site 18PR1106. A Phase II work plan should be submitted to Historic Preservation staff prior to any fieldwork. Townhouses are proposed in the area where site 18PR1106 is located.

Sites 18PR1107 and 18PR1108 did not contain significant cultural information and therefore, no further work is recommended on these sites. The Planning Board concurs that sites 18PR1107 and 18PR1108 are not likely to provide significant information on the prehistory or history of Prince George's County. Therefore, no further work should be required on these sites.

Site 18PR1108 is the site of the Townshend Family Cemetery. The stones have been displaced and several holes have been excavated. At the time of preliminary plan of subdivision, the applicant will have to comply with Section 24-135.02 of the Prince George's County Subdivision Regulations for the protection and long-term preservation of the Townshend Family Cemetery. The plan shows the cemetery located in open space.

The boundaries of the Townshend Cemetery (18PR1108) were identified in the archeological survey. To ensure that there were no burials outside of the area where the stones were found, six trenches were excavated with a small backhoe with a flat-bladed bucket. No additional burials or burial shafts were encountered. To protect the Townshend Cemetery during the course of construction, the applicant should install a super silt fence around the limits of the burial ground.

- b. **Community Planning**—The Planning Board adopted herein by reference a memorandum dated September 4, 2018 (Irmingier to Zhang), summarized as follows:

**General Plan:** This application is located in the Established Communities policy area. The 2014 *Plan Prince George's 2035 Approved General Plan* describes Established Communities as most appropriate for 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 of residents are met (page 20).

**SMA/Zoning:** The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), approved July 24, 2013, rezoned the subject property from the R-R Zone to the M-X-T Zone in response to a request for the SMA to rezone it, (CR-81-2013), Revision 4.

The M-X-T zoning designation of the subject site and the land use recommendation, Residential Low, of the Subregion 5 Master Plan and SMA for the general vicinity of the subject site do not reconcile because the Subregion 5 SMA was revised to incorporate the Prince George's County District Council's rezoning of the subject property as stated in CR-81-2013. However, the recommended future land use was not changed from Residential Low to Mixed-Use in the approval of the Subregion 5 Master Plan.

Pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application. The subject CSP proposes a horizontal mixed-use development consisting of one-family and multifamily residential, institutional, and commercial uses that are permitted in the M-X-T Zone.

- c. **Transportation Planning**—The Planning Board adopted herein by reference a memorandum dated September 10, 2018 (Burton to Zhang), summarized as follows:

The Planning Board concurs with the findings and conclusions of the traffic study. A trip cap consistent with the development proposed at that time will be recommended with the Preliminary Plan of Subdivision. The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club.

Pursuant to County Council Resolution CR-9-2017, the Brandywine Road Club fee for the subject application will be \$1,338 per dwelling unit. The fee will be indexed by the appropriate cost indices to be determined by the Department of Permitting, Inspections and Enforcement (DPIE). Pursuant to County Council Bill CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a) of the Subdivision Regulations.

The application analyzed is a conceptual site plan (CSP) of a mixed-use residential and commercial development. Based on trip rates from the "Guidelines" as well as the *Trip Generation Manual, 9th edition* (Institute of Transportation Engineers), this development will be adding 612 (220-in; 392-out) AM peak-hour trips and 734 (401-in; 333-out) PM peak-hour trips.

Based on the preceding findings, the Planning Board found that pursuant to Section 27-546 of the Zoning Ordinance, the plan conforms to the required findings for approval of the CSP from the standpoint of transportation. Further, one transportation-related condition, to be addressed at time of Preliminary Plan of Subdivision, has been included in this approval.



- d. **Subdivision Review**—The Planning Board adopted herein by reference a memorandum dated August 31, 2018 (Onyebuchi to Zhang), summarized as follows:

Pursuant to 24-121(a)(3) of the Subdivision Regulations, when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or service road. The applicant is proposing multifamily and office units with frontage and access to MD 5 (Branch Avenue), a master planned freeway. It is noted that this portion of the property abutting MD 5 (Pods 2 and 3) is bisected from the remaining site by significant environmental features. At the time of preliminary plan of subdivision, the applicant will need to submit a variation request to allow for access to MD 5.

The plans reflect multifamily and office uses adjacent to MD 5, a master planned freeway as well as residential uses along A-65, a master planned arterial. A 150-foot lot depth is required from an arterial and is reflected on the submitted plan. The plans should be revised to reflect a 300-foot lot depth line from MD 5, which is required pursuant to Section 24-121(a)(4) of the Subdivision Regulations. A noise study concerning the two master planned rights-of-way will be required at the time of preliminary plan of subdivision for the purpose of determining adequate protection from traffic nuisances.

- e. **Trails**—The Planning Board adopted herein by reference a memorandum dated June 8, 2018 (Shaffer to Zhang), which reviewed the CSP application for conformance with the 2009 *Approved Countywide Master Plan* (MPOT), in order to implement planned trails, bikeways, and pedestrian improvements. The comments are summarized as follows:

- (1) Two master plan trail/bikeway issues impact the application. Master plan trails or bikeways are recommended along Brandywine Road and A-65.
- (2) Sidewalks are appropriate along internal roads on the subject site. The Complete Streets element of the MPOT reinforces the need for these recommendations.
- (3) Sidewalks are reflected along both sides of all internal roads on the submitted CSP consistent with these policies. Additional sidewalk links or internal trails may be considered at the time of DSP.

The conditions requiring trail access, sidewalks, and bicycle parking have been included in this approval.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated August 23, 2018 (Sun to Zhang), DPR provided the following summarized discussion on the subject application:

Per Section 24-134(a)(1) of the Subdivision Regulations, at the time of PPS, the proposed development is subject to the mandatory dedication of parkland requirement of 7.3 acres. Since the subject property is not contiguous to existing parkland, DPR recommends that the mandatory dedication requirement be met by providing private recreational facilities per Section 24-135(b) of the Subdivision Regulations. Private recreational facilities may be approved by the Planning Board, provided that the facilities will be superior, or equivalent to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and the subdivider's heirs, successors, and/or assignees.

DPR's suggested conditions, relative to the private recreational facilities, will be further reviewed and determined at the time of PPS and DSP.

- g. **Environmental Planning**—The Planning Board adopted herein by reference a memorandum dated August 29, 2018 (Burke to Zhang), including the following summarized comments on the subject application:

**Specimen Trees**

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

The site contains eight specimen trees with the ratings of good (specimen trees 1, 2, and 8 (ST 1, ST 2, ST 3)), fair (specimen trees 3-6 (ST 3-6)), and poor (specimen tree 7 (ST 7)). The current design proposes to remove specimen tree 5 (ST 5) for the sewer line extension and specimen tree 8 (ST 8) for the development of the master plan right-of-way extension of Savannah Parkway.

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the two specimen trees on-site. However, this review is deferred until the required Preliminary Plan of Subdivision, when more details with regard to the necessary infrastructure to develop the site, such as the ultimate rights-of-way and location of stormwater management (SWM) facilities, are available.

**Preservation of Regulated Environmental Features/Primary Management Area**

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are proposed for a road crossing, utility extensions, and for stormwater management (SWM) outfalls. A statement of justification has been received for the proposed impacts to

the PMA and stream buffer. As part of this application, staff performed a detailed site visit to evaluate the existing features of the site. A natural resources inventory is being revised and will be approved prior to review of the PPS, when a complete review of the proposed impacts can be conducted.

#### **Soils**

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey are the Beltsville silt loam (0 to 5 percent), the Croom-Marr complexes, Sassafras complexes, Udorthents soils, and Widewater and Issue soils. Marlboro clay and Christiana complexes are not found on or near this property.

#### **Stormwater Management**

A Stormwater Management (SWM) Concept Plan was submitted with the original application, but not with the revised plans. A SWM concept approval letter has not been submitted, and the SWM concept application number has not been identified. The SWM concept plan shows the use of Environmentally Sensitive Design elements to address water quality requirements.

The approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning. Submittal of an approved SWM concept approval letter will be required prior to signature approval of the PPS.

Four environmental-related conditions have been included in this approval.

- h. **Maryland State Highway Administration (SHA)**—In a letter dated July 17, 2018 (Futrell to Zhang), SHA stated that they reviewed the traffic impact study and provided comments regarding access and traffic issues, which will be fully reviewed at the time of PPS.
- i. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer comments on the subject application.
- k. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- l. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.

11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
12. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

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

Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the impact exhibits, the Planning Board found the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. However, these impacts will be re-evaluated at the time of Preliminary Plan of Subdivision. Impacts will most likely be necessary for public road infrastructure improvements and stormwater management outfalls; however, not enough information was provided with the CSP, and the level of impact may change at later stages of development and review.

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 Type 1 Tree Conservation Plan TCP1-008-2018, and further APPROVED Conceptual Site Plan CSP-17003 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. Revise the Statement of Justification and plan accordingly, to provide the correct development quantities included in this application.
  - b. Revise the Natural Resource Inventory Plan to reflect existing conditions on the CSP and TCP1, to be reviewed and approved by the Environmental Planning Section as the designee of the Planning Board.
  - c. Label the plans to identify the subject property's existing parcel number, recording reference (Liber/folio), and acreage.
  - d. Revise the CSP to remove the R-R zoned property and revise FAR accordingly.
  - e. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Add "TCP1-008-2018" to the approval block and to Line 6 of the worksheet.

- (2) Add “(MD 381)” after Brandywine Road in TCP Note 8, and correct “(Rte. 5)” to state “(MD 5)” in General Note 9.
- (3) Provide the Stream Buffer layer on the plan.
- (4) Correct the match line reference at the top of sheet 5 to refer to sheet 4.
- (5) Correct the unmitigated noise line nomenclature to “dBA.”
- (6) Identify the steep slopes on the plan with shading.
- (7) Provide a tabulation chart for the WPA areas represented on the plan, summing the areas to the total, to match the proposed Woodland Preservation on the worksheet. As shown, a summation of the areas presented total 18.47 acres, which is 2.79 acres less than represented on the worksheet.
- (8) Provide a separate tabulation chart for the WP NC areas. Note that the WP NC cannot count toward Woodland Preservation on the worksheet.
- (9) Remove the multiple “Clear A: 53.59 ac” references on the plan. Clearing should be represented by the individual areas to be cleared, with a tabulation chart summing the areas to the total.
- (10) Provide an Owners Awareness Certification on the plan.
- (11) Have the revised plan signed and dated by the qualified professional preparing the plan.

2. At time of preliminary plan of subdivision (PPS), the applicant shall:

- a. Submit a variance application and statement of justification for the removal of specimen trees.
- b. Submit a statement of justification for the necessary primary management area impacts. The statement of justification shall address all proposed impacts to regulated environmental features.
- c. Submit a noise study to demonstrate that no outdoor activity areas are within the mitigated noise contour line of 65 dBA Ldn or above and the mitigated residential interior noise level is below 45 dBA Ldn.

- d. Provide the master plan trail along one side of A-65 (Savannah Parkway) and a standard sidewalk along the other. Show the appropriate dedication of right-of-way for the proposed A-65 that shall accommodate the master plan trail.
  - e. Evaluate if a trail access may be appropriate between the planned commercial development area and the residential development areas.
  - f. Provide an extension of "Street B" to connect with the existing stub end of Malthus Street.
3. Prior to approval of a detailed site plan for the project, the applicant shall:
- a. Provide on-site private recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*. The specific timing of installation, type, quantities and location of the required on-site recreational facilities shall be evaluated and decided with the DSP.
  - b. Provide sidewalks on both sides of all internal roads consistent with the Complete Streets Policies of the MPOT, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.
  - c. Provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.
  - d. Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.
  - e. Evaluate archeological site 18PR1106 at the Phase II level or avoid and preserve the resource in place.
  - f. Provide a final report detailing the Phase II investigations of archeological site 18PR1106 and ensure that all artifacts are curated in a proper manner.
  - g. Provide interpretive measures that address the findings of the archeological investigations, based on the significance of the findings. The interpretive measures shall be reviewed and approved by the Planning Department's staff archeologist.
4. Prior to the issuance of a grading permit for the portion of the subject property that contains site 18PR1106, if Phase III archeological mitigation is necessary for site 18PR1106, the applicant shall provide a final report detailing the Phase III investigations. In accordance with Section IV.D Collections Policy of the Planning Board's *Guidelines for Archeological Review*, the curated artifacts and associated documentation shall be deposited with the Maryland Historical Trust's Maryland Archeological Conservation Lab at Jefferson Patterson Park and Museum in St. Leonard, Maryland.



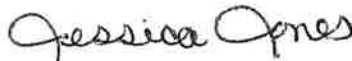
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 11, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2018.

Elizabeth M. Hewlett  
Chairman



By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:gh

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 10/24/18

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

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

October 29, 2019

Black-Eyed Susan Partners, LLC  
c/o Rodgers Consulting  
1101 Mercantile Lane, Suite 280  
Largo, MD 20774

Re: Notification of Planning Board Action on  
**Preliminary Plan of Subdivision 4-18028**  
**Branch Avenue M-X-T**

Dear Applicant:

This is to advise you that, on **October 24, 2019**, the above-referenced Preliminary Plan of Subdivision was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g), of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within 30 calendar days after the date of the final notice **October 29, 2019**.

Sincerely,  
James R. Hunt, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. **19-115**

cc: Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 19-115

File No. 4-18028

RESOLUTION

WHEREAS, Black-Eyed Susan Partners, LLC is the owner of a 72.23-acre parcel of land known as Part of Parcel 90, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on June 26, 2019, Black-Eyed Susan Partners, LLC c/o Rodgers Consulting filed an application for approval of a Preliminary Plan of Subdivision for 407 lots and 53 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18028 for Branch Avenue M-X-T was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 3, 2019, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 3, 2019, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-008-2018-01, and APPROVED a Variance to Section 25-122(b)(1)(G) and Section 27-548(h), and further APPROVED Preliminary Plan of Subdivision 4-18028, including a Variation from Section 24-121(a)(3), Section 24-121(a)(4), and Section 24-128(b)(7)(A), for 407 lots and 53 parcels with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
  - a. Revise the plan to list the approved variations and variances.
  - b. Revise the plan to replace references from "Central Branch Avenue" to "Branch Avenue."
2. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, 2013 *Approved Subregion 5 Master Plan* and Conceptual Site Plan CSP-17003, the applicant and the applicant's heirs, successors, and/or assignees shall provide additional sidewalk segments along the following locations:

- a. Along the north side of Street "A" from Brandywine Road to Parcel S.
  - b. Along the east side of Street "H" from Street "C" to the southern end of the perpendicular parking adjacent to Block G, Lot 26.
3. Prior to the approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
- a. Two bus shelters along Bus Route 36 on Brandywine Road, as shown on the bicycle pedestrian impact statement exhibit.
4. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, and details of the off-site bus shelters and any associated sidewalk, crosswalk, and Americans with Disabilities Act ramp improvements consistent with Section 24-124.01(f) of the Subdivision Regulations.
5. Total development within the subject property shall be limited to uses that would generate no more than 491 AM and 476 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of the adequacy of transportation facilities.
6. Prior to approval of a building permit for each townhouse dwelling unit, a fee calculated as \$1,338 multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown, in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.
7. Prior to approval of a building permit for the assisted living facility, a fee calculated as \$999 per residential unit, multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown, in accordance with Prince George's County Council Resolution CR-9-2017, or as amended, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.

8. Prior to approval of a building permit for any structure used for commercial development, a fee calculated as \$2.07 per gross floor area, multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown, in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.
9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised, as follows:
  - a. Remove "previous approved for removal" column on the specimen tree table.
  - b. Revise the woodland conservation worksheet to show the corrected net tract woodland total (69.46 acres).
  - c. Have the revised plan signed and dated by the qualified professional preparing the plan.
10. Prior to signature approval of the preliminary plan of subdivision, the following note shall be placed on the Type 1 tree conservation plan, which reflects this approval, directly under the woodland conservation worksheet:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of four specimen trees (Section 25-122(b)(1)(G), ST-1, a 30-inch Tulip Poplar, ST-2, a 33-inch White Oak, ST-5, a 30-inch Red Oak, and ST-8, a 42-inch American Beech."
11. Prior to the issuance of permits for this subdivision, a Type 2 Tree Conservation Plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."
12. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-008-2018-01). The following notes shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-2018-01), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation

Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

13. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
14. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall:
  - a. Grant 10-foot-wide public utility easements along the public and private rights-of-way as delineated on the preliminary plan of subdivision.
  - b. Dedicate the public rights-of-way as delineated on the approved preliminary plan of subdivision.
  - c. Demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation. This requirement shall not apply to the final plat for Parcels XX or WW.
15. The applicant shall allocate appropriate and developable areas for the private recreational facilities within the residential development. The private recreational facilities shall be evaluated by the Urban Design Review Section of the Development Review Division for adequacy and proper siting during its consideration of the detailed site plan for residential development.
16. All on-site private recreational facilities shall be designed, in accordance with the Parks and Recreation Facilities Guidelines.
17. The applicant and the applicant’s heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site, for approval prior to submission of final plats for residential development. Upon approval by DRD, the RFA shall be recorded among the Prince George’s County Land Records and the liber/folio indicated on the plat prior to recordation.
18. The applicant and the applicant’s heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on-site prior to issuance of building permits for residential development.
19. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.

20. Prior to approval of building permits, except building permits issued for Parcel XX or Parcel WW, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
- a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division, Upper Marlboro.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
21. Prior to approval of a detailed site plan, for the portion of the subject property that contains archeological site 18PR1106 and the Townshend Family Cemetery (18PR1109), the applicant, and the applicant's heirs, successors, and/or assignees shall:
- a. Provide a final report detailing the Phase II archeological investigations. In accordance with Section IV.D Collections Policy of the Planning Board's *Guidelines for Archeological Review*, the curated artifacts and associated documentation shall be deposited with the Maryland Historical Trust's Maryland Archeological Conservation Lab at Jefferson Patterson Park and Museum in St. Leonard, Maryland.
  - b. Provide interpretive measures that address the findings of the archeological investigations, based on the significance of the findings. The interpretive measures shall be reviewed and approved by the Planning Department's staff archeologist.



- c. Provide details of a protective fence to enclose the Townshend Family Cemetery (18PR1109), interpretive signage, and access to the cemetery.
  - d. Provide plans and a timetable for the long-term maintenance and restoration of the Townshend family cemetery.
22. Prior to the issuance of a grading permit for the portion of the subject property that contains archeological site 18PR1106 and the Townshend Family Cemetery (18PR1109), the applicant shall provide proof of the installation of a super silt fence around the limits of disturbance, as shown on the plans for archeological site 18PR1106 and the Townshend Family Cemetery (18PR1109).
23. Prior to approval of the final plat for the portion of the subject property that contains archeological site 18PR1106 and the Townshend Family Cemetery (18PR1109), the applicant and the applicant's heirs, successors, and/or assignees shall establish archeological conservation easements around archeological site 18PR1106 and the Townshend Family Cemetery, 18PR1109. The easements shall be shown on the final plat with the recording reference, and the following note shall be placed on the final plat:
- “Any ground disturbance within the archeological conservation easements must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department, Countywide Planning Division, Historic Preservation Section.”
24. The detailed site plan shall be evaluated for the inclusion of salt tolerant landscaping and durable building materials along A-65, where necessary.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George’s County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located northeast of the intersection of Brandywine Road and Savannah Parkway. This preliminary plan of subdivision (PPS) includes Part of Parcel 90, recorded in Prince George’s County Land Records, in Liber 39313 folio 573.

The subject property is 72.23 acres and zoned Mixed Use-Transportation Oriented (M-X-T). The PPS provides 407 lots and 53 parcels for development of 407 single-family attached dwelling units, a 240-unit assisted living facility, and 12,000 square feet of commercial development; the site is currently vacant.

The site is bifurcated by significant environmental features, located on Parcels A, B, XX, and WW. These features result in the site being developed into two distinct pods. The pod to the east is for the assisted living facility and commercial development. The pod to the west is to be developed with single-family attached dwelling units.

Section 24-121(a)(3) of the Subdivision Regulations requires that when lots or parcels are proposed on land adjacent to an existing or planned arterial or higher classification, they shall be designed to front on either an interior street or a service road. A restricted right turn into and out of the property along MD 5, which borders the site to the east, is provided with this application, which requires approval of a variation by the Prince George's County Planning Board, as discussed further in the Transportation finding.

Section 24-121(a)(4) requires that residential lots adjacent to an existing or planned roadway of arterial classification shall be planned with a minimum depth of 150 feet. Adequate protection and screening from traffic nuisances shall be provided. The platting of 84 lots within the 150-foot lot depth was approved.

Section 24-128(b)(7)(A) of the Subdivision Regulations requires attached single-family dwellings, which are to be served by an alley, to have frontage on a public right-of-way. A variation for the townhouse lots served by an alley, which do not have frontage on a public right-of-way, was approved as discussed further in the Transportation finding.

Section 27-548(h) of the Zoning Ordinance requires that townhouse lots in the M-X-T Zone have no more than eight townhouse units provided per building group, unless it is demonstrated that more than eight townhouse units (but not more than ten) would create a more attractive living environment. This provision further requires that the minimum building width in any continuous, attached group shall be 18 feet. One townhouse building group with 9 units and 45 townhouse units with 16-foot widths, were approved.

A variance to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) was approved for the removal of four specimen trees.

3. **Setting**—The property is located on Tax Map 134 in Grids D-3, D-4, E-3, E4, and F-3 and is in Planning Area 85A. The subject site is irregularly shaped, and is bounded by Brandywine Road to the east and MD 5 (Branch Avenue) to the west. Properties to the south are zoned Rural Residential (R-R), properties to the southwest, south, and southeast are developed with residential uses, vacant, and developed with institutional uses respectively. Properties to the northwest are zoned R-R and are developed with residential uses. Properties to the northeast are zoned Residential Estate (R-E) and are vacant.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-X-T	M-X-T
Use(s)	Vacant	Residential/Assisted Living Facility/Commercial
Acreage	72.23	72.23
Gross Floor Area	0	12,000 sq. ft.
Dwelling Units	0	407
Assisted Living Facility Units	0	240
Parcels	1	53
Lots	0	407
Variance	No	Yes 25-122(b)(1)(G) 27-548(h)
Variation	No	Yes 24-121(a)(3) 24-121(a)(4) 24-128(b)(7)(A)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 12, 2019. The requested variations from Sections 24-121(a)(3) and 24-128(b)(7)(A) were accepted on June 26, 2019, and heard before SDRC on July 12, 2019, as required by Section 24-113(b) of the Subdivision Regulations. The requested variation from Section 24-121(a)(4) was accepted on August 9, 2019, and heard before SDRC on August 23, 2019, as required by Section 24-113(b).

5. **Previous Approvals**—Conceptual Site Plan CSP-17003, governing the subject site, was approved by the Planning Board on October 11, 2018, (PGCPB Resolution No. 18-98), with four conditions. The following conditions attached to CSP-17003, are applicable to the review of this PPS as follows:

2. **At time of preliminary plan of subdivision (PPS), the applicant shall:**

- a. **Submit a variance application and statement of justification for the removal of specimen trees.**

A variance application and statement of justification (SOJ) for the removal of specimen trees was submitted with this application. This is further discussed in the Environmental finding.

- b. **Submit a statement of justification for the necessary primary management area impacts. The statement of justification shall address all proposed impacts to regulated environmental features.**

An SOJ for primary management area (PMA) impacts was submitted with this application. This is further discussed in the Environmental finding.

- c. **Submit a noise study to demonstrate that no outdoor activity areas are within the mitigated noise contour line of 65 dBA Ldn or above and the mitigated residential interior noise level is below 45 dBA Ldn.**

A noise study was submitted with this application. This condition has been met.

- d. **Provide the master plan trail along one side of A-65 (Savannah Parkway) and a standard sidewalk along the other. Show the appropriate dedication of right-of-way for the proposed A-65 that shall accommodate the master plan trail.**

The trail and right-of-way dedication are shown on the submitted plans as required along Savannah Parkway. This condition has been met.

- e. **Evaluate if a trail access may be appropriate between the planned commercial development area and the residential development areas.**

The trail connection exhibit shows the alignment and design of the trail connection linking the residential units with the commercial space. Due to the extensive grading and switchbacks required to negotiate steep slopes along the stream valley, the length of the connection and the amount of grading necessary is greatly increased and the cost is estimated to be over \$1,700,000, which is well beyond the cost required for on-site recreational facilities. Due to the cost, design issues, and impacts to the environmental setting, the Planning Board finds that the trail is not feasible.

- f. **Provide an extension of "Street B" to connect with the existing stub end of Malthus Street.**

The extension of Street B is delineated on the PPS. This condition has been met.

3. **Prior to approval of a detailed site plan for the project, the applicant shall:**

- b. **Provide sidewalks on both sides of all internal roads consistent with the Complete Streets Policies of the MPOT, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.**

- c. **Provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.**
- d. **Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.**

Sidewalks are reflected along both sides of most internal roads on the submitted PPS. Two additional sidewalk segments are approved with this application, to provide a more comprehensive network consistent with the policies of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). A sidewalk is also shown along the site's frontage of Brandywine Road. Bicycle parking will be evaluated with the detailed site plan (DSP).

6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities Growth Policy area. The vision for the Established Communities area is to accommodate context-sensitive infill and low- to medium-density development.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan) recommends Residential Low future land uses on the subject property, described as “Residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.”

Pursuant to Section 24-121(a)(5), this application is not required to conform to the Subregion 5 Master Plan because Council Resolution CR-81-2013 reclassified the subject property to the M-X-T Zone, thus rendering the master plan recommendations for future residential low land use on the site no longer applicable.

The Subregion 5 Master Plan rezoned the property from the R-R Zone to the M-X-T Zone. The discussion of this zoning change (19) in the SMA states, “There had been a development Node indicated on the 2002 County Approved General Plan map at the intersection of planned A-65 and MD 5 which was removed from the General Plan as an amendment with the approval of the Subregion 5 Master Plan. Public Hearing (4/11/13) Exhibit 725 requested the zoning and land use be changed to mixed-use. District Council resolution CR-81-2013, Revision Four, directed that the zoning of this site be changed from R-R to M-X-T.” (page 188)

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter (No. 60393-2017-00) and associated plan were submitted with the application for this site. The approval was issued on August 22, 2018 for this project from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to construct grass swales, micro-bioretenion ponds, and submerged gravel wetland structures. A SWM fee of \$102,250.00 for on-site attenuation/quality control measures is required. Development must be in

accordance with the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding do not occur.

8. **Parks and Recreation**—The PPS was reviewed and evaluated for conformance with the requirements and regulations of the Subregion 5 Master Plan, the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, the Subdivision Regulations, and CSP-17003, as they pertain to public parks and recreation.

The subject development is comprised of 72.23 acres of land and is zoned M-X-T. The subject property is not adjacent to any existing Maryland-National Capital Park and Planning Commission (M-NCPPC) owned parkland.

Section 24-134 of the Subdivision Regulations requires mandatory dedication of parkland on all residential subdivisions. The mandatory dedication requirement for this development is approximately 5.66 acres. However, mandatory dedication of parkland is not required due the size, shape, and utility of the land to be dedicated.

It was determined that, per Section 24-135(b) of the Subdivision Regulations, the mandatory dedication requirements can be met by the provision of on-site private recreational facilities. The PPS identifies several potential locations for the siting of recreational facilities. The details for the on-site recreation facilities package shall be reviewed and approved at the time of DSP for this project, in accordance with Section 24-135.

The Planning Board finds that the provision of on-site private recreational facilities will address the recreational needs of the future residents of this development.

9. **Trails**—This PPS was reviewed for conformance with MPOT and the Subregion 5 Master Plan, in order to implement planned trails, bikeways, and pedestrian improvements. The site is in the Branch Avenue Corridor, and is therefore, subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the Transportation Review Guidelines, Part 2, at the time of PPS.

Two master plan trail/bikeway issues impact the application. Master plan trails, or bikeways are recommended along Brandywine Road and A-65. Text from MPOT on each of these proposals is copied below:

**A-65 Shared-Use Sidepath: This trail will provide nonmotorized access through a rapidly developing portion of southern Prince George's County. Segments of the trail have been approved for construction as part of recent development applications. The trail will also provide connectivity with several planned stream valley trails (MPOT, page 32).**

**Brandywine Road Sidewalks and Bike Lanes: Currently, a variety of cross sections exist along Brandywine Road and sidewalks are missing along many segments.**

**Continuous sidewalks will provide a safe pedestrian route between adjoining residential communities, to several shopping centers, and to both the Tinkers Creek and Piscataway Creek Stream Valley Trails. Brandywine Road also provides a parallel route to MD 5 for pedestrians and bicyclists.**

**Evaluate the need for sidewalks along MD 381 outside the segment within the Developing Tier (MPOT, page 32).**

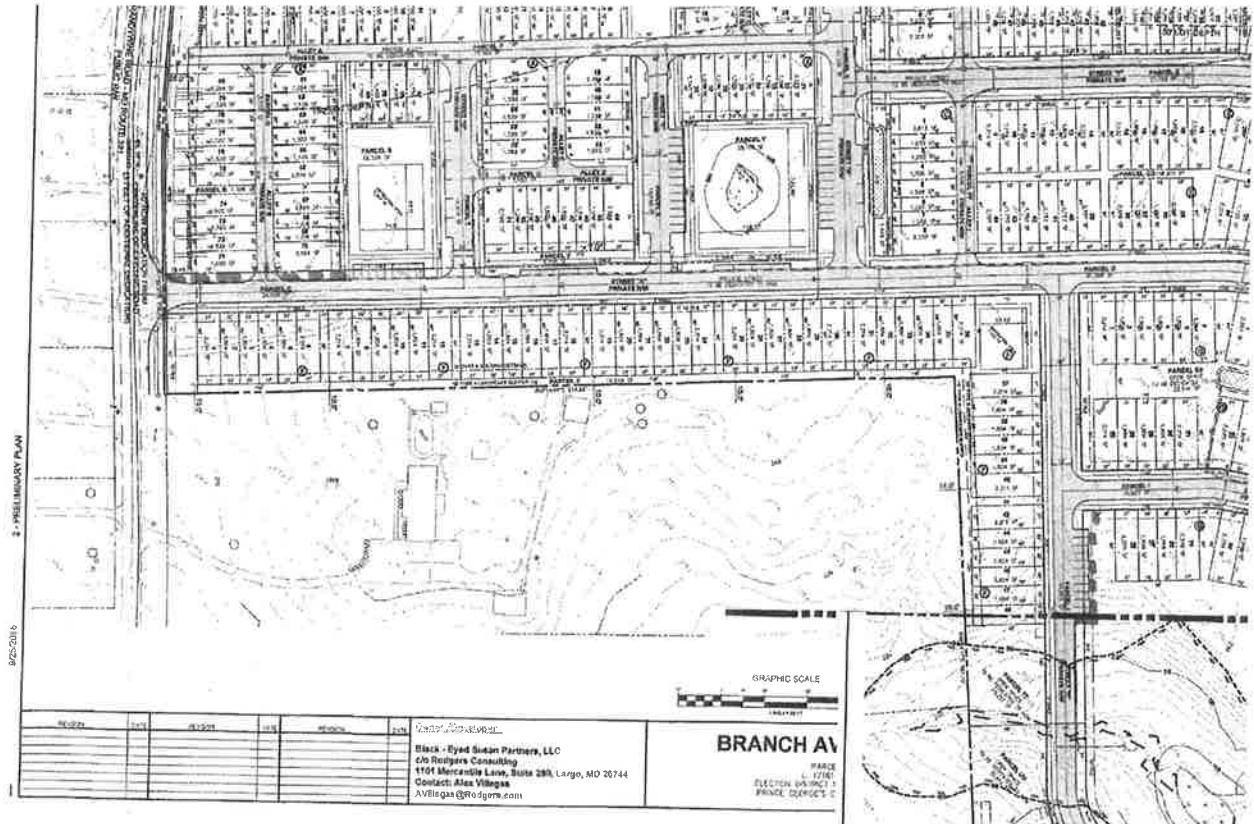
Sidewalks are appropriate along internal roads on the subject site. The Complete Streets element of MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

**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.**

Sidewalks are reflected along both sides of most internal roads on the PPS. Two additional sidewalk segments were approved by the Planning Board to provide a more comprehensive network consistent with policies of MPOT. One sidewalk section along the north side of Street A from Brandywine Road to Parcel S, and a second along the east side of Street H from Street C, to the southern end of the perpendicular parking, adjacent to Block G, Lot 26.





### Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within the MD 5 Corridor, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the cost cap is determined pursuant to Section 24-124.01(c):

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on Section 24-124.01(c), and the 407 townhouses, 240 assisted living units, and 12,000 square feet of commercial development, the cost cap for the application is \$198,600.

Section 24-124.01 also provides specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  - 2. Installing or improving streetlights;**
  - 3. Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
  - 4. Providing sidewalks or designated walkways through large expanses of surface parking;**
  - 5. Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
  - 6. Installing street trees.**

A scoping meeting was held with the applicant on December 6, 2018. Enhancements along the bus route serving the site (Bus Route 36) were identified as possible improvements, as were sidewalk and Americans with Disabilities Act (ADA) retrofits along Brandywine Road. At the time of SDRC, improvements were also suggested that would connect the site to the Brandywine Road/Branch Avenue interchange, and the park and ride funded by the Maryland State Highway Administration (SHA Project PG175\_51).

Opportunities for sidewalk retrofits are limited along Brandywine Road. Section 24-124.01 is clear that all off-site improvements need to be constructed within rights-of-way already owned by the operating agency. The areas of Brandywine Road where sidewalks are not present do not currently have the dedicated right-of-way necessary to accommodate the improvements. Sidewalk construction along these segments of road will have to be made when the necessary public right-of-way is acquired.

The applicant's BPIS submission identified two bus stops along Bus Route 36 that need shelters. Both stops are located within 200 feet of the subject property and will serve future residents of the site.

Section (f) requires an exhibit of all off-site improvements at the time of DSP.

- (f) If a conceptual or detailed site plan approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in Subsection (c) of this Section, along with the location, types, and description of major improvements, property/lot lines, and owners that are within fifty (50) feet of the subject easements and rights-of-way.**

An exhibit showing the location, limits, and details of off-site improvements will be required at the time of DSP, pursuant to Section (f).

Additional sidewalk, ADA, and/or crosswalk improvements necessary to access the bus stops may be required at the time of DSP, upon coordination with the Department of Public Works & Transportation, Office of Transit.

**Demonstrated nexus between the subject application and the off-site improvements**

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application, in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below:

- (c) As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance**

**of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

The improvements proffered by the applicant will serve future residents of the subject site by providing shelters at the closest existing bus stops to the subject site along Bus Route 36. The shelters will provide a protected area for residents to stand while waiting for transit along Brandywine Road.

**Finding of Adequate Bicycle and Pedestrian Facilities:**

CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. CB-2-2012 is applicable to preliminary plans within designated Centers and Corridors. The subject application is located within the designated Branch Avenue corridor, as depicted on the Adequate Public Facility Review Map of Plan 2035. CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

Sections 24-124.01(b) (1) and (2) include the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
  - (1) The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
    - (A) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
    - (B) the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and**

**pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

- (2) **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
- (A) **the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
  - (B) **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
  - (C) **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
  - (D) **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The subject application, with conditions, includes sidewalks along both sides of all internal roads, consistent with the Complete Street policies of MPOT. Furthermore, plans include the master plan trail along the site's portion of A-65, and a continuous sidewalk along the site's frontage of Brandywine Road, consistent with the recommendations of MPOT. The bus shelters proffered off-site will enhance the environment for transit users by giving them protected places to stand while waiting at bus stops that will serve the site. Based on the facilities proposed both on-and off-site, the Planning Board finds that the bicycle and pedestrian facilities are adequate, per the requirements of Section 24-124.01.

10. **Transportation**—The PPS is required to subdivide an existing parcel into 407 lots to support the development of 407 townhomes, as well as an assisted living facility and space for commercial facilities. Transportation-related findings are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are provided by means of private streets and public roadways.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6), is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “Transportation Review Guidelines, Part 1” (Guidelines).

**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. A three-part process is employed for two-way stop-controlled intersections: (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. A two-part process is employed for all-way stop-controlled intersections: (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**

This PPS approved townhouses, an assisted living facility, and 12,000 square feet of commercial development. The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic and developing a trip cap for the site:

<b>Trip Generation Summary- 4-18028: Branch Avenue MXT</b>							
<b>Proposed Use</b>		<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
		<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
Townhouses	414	58	232	290	215	116	331
Assisted Living (ITE-254)	240 beds	29	14	43	35	35	70
Commercial (square feet)	12,000	98	60	158	54	59	113
<i>Less pass-by 0% AM, 34% PM</i>					-18	-20	-38
<b>Total Traffic</b>		<b>185</b>	<b>306</b>	<b>491</b>	<b>286</b>	<b>190</b>	<b>476</b>

A March 2019 traffic impact study was submitted and accepted as part of the application documentation. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions.

<b>EXISTING CONDITIONS</b>		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 5 and Surratts Road	F/1840	C/1285
MD 5 and Burch Hill Road *	>50+ seconds	>50+ seconds
MD 5 and Site Access (right-in, right-out)	No conflicting movements	
MD 5 and Moores Road *	>50+ seconds	>50+ seconds
Brandywine Road and Burch Hill Road *	<50 seconds	<50 seconds
Brandywine Road and Site Access *	N/A	N/A
Brandywine Road and Moores Road *	<50 seconds	<50 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified seven background developments whose impact would affect some, or all of the study intersections. In addition, a growth of one percent over six years was also applied to the traffic volumes along MD 5. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

<b>BACKGROUND CONDITIONS</b>		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 5 and Surratts Road	F/2022	C/1432
MD 5 and Burch Hill Road **	>50 seconds	>50 seconds
MD 5 and Site Access (right-in, right-out)	No conflicting movements	
MD 5 and Moores Road *	>50 seconds	>50 seconds
Brandywine Road and Burch Hill Road *	<50 seconds	<50 seconds
Brandywine Road and Site Access *	N/A	N/A
Brandywine Road and Moores Road *	<50 seconds	<50 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		
** Unsignalized intersections where the three-tier test has failed.		

Regarding the total traffic scenario, the trip generation, as computed above, was applied to the local transportation network. Total traffic analysis indicates the following results:

<b>TOTAL CONDITIONS</b>		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 5 and Surratts Road <i>With mitigation improvement (&gt;100% mitigated)</i>	F/2101 F/1770	E/1505 D/1423
MD 5 and Burch Hill Road **	<b>F/2484**</b>	<b>F/1781**</b>
MD 5 and Site Access (right-in, right-out)	No conflicting movements	
MD 5 and Moores Road **	<b>F/1819**</b>	<b>F/1662**</b>
Brandywine Road and Burch Hill Road *	<50 seconds	<50 seconds
Brandywine Road and Site Access *	<50 seconds	<50 seconds
Brandywine Road and Moores Road *	<50 seconds	<50 seconds
<p>* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p> <p>** Unsignalized intersections where the three-tier test has failed using the CLV procedure.</p>		

Results show that there are still some intersections which will operate inadequately even with some improvements by the applicant.

The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, Council Resolution CR-9-2017 indicates the following:

- a. Establishes the use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.
- b. Establishes a list of projects for which funding from the Brandywine Road Club can be applied.
- c. Establishes standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

This resolution works in concert with Council Bill CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation, as required in Section 24-124. Specifically, CB-22-2015 allows the following:



- a. Roadway improvements participated in by the subdivider can be used to alleviate any inadequacy as defined by the Guidelines. This indicates that sufficient information must be provided to demonstrate that there is an inadequacy.
- b. In order to use CB-22-2015, the subject property must be located in an area for which a road club was established prior to November 16, 1993. In fact, the Brandywine Road Club was included in Council Resolution CR-60-1993, adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to CR-9-2017, the Brandywine Road Club fee for the subject application will be \$1,338 per townhouse dwelling unit, \$999 per residential unit for the assisted living facility, and \$2.07 per gross floor area for the commercial facility. The fee will be indexed by appropriate cost indices to be determined by DPIE. Pursuant to Prince George's County Council Bill CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a).

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

The property is located in an area where development policies are governed by the Subregion 5 Master Plan, and MPOT, November 2009. One of the recommendations from the master plans was the construction of a new arterial road (A-65). The width of the A-65 alignment fits entirely within the confines of the subject property and is planned to extend onto an adjacent property to the east before connecting to MD 5.

The alignment of A-65 is accurately depicted on the site plan within the recommended 120 feet of right-of-way. Based on recommendation from DPIE, the plan shows a 36-foot section of the ultimate master plan road, until such time that the ultimate master plan cross section will be needed.

Due to environmental features, it is not feasible for all the development pods to be contiguous within the site. The commercial and assisted living development pod is all located along the eastern end of the property with direct, but limited access to MD 5. MD 5 is a proposed freeway and there are no plans to grant a median break along MD 5. Consequently, the access for these uses will be a right-in, right-out only.

Private roads and alleys are permitted in the M-X-T Zone, pursuant to Section 24-128(b)(7)(A), provided that pavement widths are a minimum of 22 and 18 feet in width, respectively. The application conforms to this requirement. All other aspects of the site regarding access and layout are deemed to be acceptable.

**Variation Request 24-121(a)(3)**—The subject property fronts on a master plan freeway, to which access is limited, in accordance with Section 24-121(a)(3). The applicant has filed a variation requesting authorization to provide access from an arterial or higher classification road. Section 24-121(a)(3) states the following:

**Section 24-121. Planning and design requirements.**

**(a) The Planning Board shall require that proposed subdivisions conform to the following:**

**(3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Section 24-113 sets forth the required findings for approval of a variation request:

**Section 24-113 Variations**

**(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

**(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The unnamed tributary of Piscataway Creek divides the subject property into two separate areas, with the eastern portion only having access to MD 5. MD 5, while a limited access roadway, is planned for future improvements, which include a service road, which will extend along the frontage of the subject property. The construction of a portion of this service road along the property frontage, and access to that service road, will allow access to, and use of a substantial area of land that would otherwise be unusable. This temporary, limited access will be designed and constructed, in accordance with SHA standards, with full length acceleration and deceleration lanes to promote safe access to and from the service road via the temporary access. The service road and temporary access will not

impact any other property. As such, the approved variation will not be detrimental to public safety, health, or welfare, or injurious to other property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions causing the request for this variation are unique to the subject site. Access to the eastern development pod can only occur from MD 5, due to the extensive environmental feature that bisects the property. The site fronts on a freeway that is to have service roads constructed along its frontage. This situation provides a unique opportunity for the applicant to be able to access its property by partially constructing an improvement already planned by SHA. These conditions are unique to the subject property and are not applicable generally to other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The variation from Section 24-121(a)(3) is unique to the Subdivision Regulations, and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The portion of the property which lies between the unnamed tributary of Piscataway Creek and MD 5 contains over 10 acres of land, which is approximately 14 percent of the subject property. If the strict letter of these regulations is carried out, this area would be rendered unusable, which would result in a particular hardship to the owner.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This is not applicable because the site is zoned M-X-T.

The Planning Board finds that the site is unique to the surrounding properties and the variation request is supported by the required findings. The Planning Board also finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the Plan 2035.

Therefore, the Planning Board approves the variation from Section 24-121(a)(3), to allow access to MD 5.

**Variation Request 24-128(b)(7)(A)**—The townhouse lots are to be accessed via a network of private roads and alleys. The application includes 214 townhouse lots accessed by alleys, which front on either private streets or open spaces. The remaining townhouse lots are accessed directly from private streets and none of the lots have frontage on a public street. The applicant filed a variation to request authorization for those lots accessed by an alley without frontage on a public right-of-way. Section 24-128(b)(7)(A) states the following:

**Section 24-128. - Private roads and easements.**

- (b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**
  - (7) In Comprehensive Design and Mixed Use Zones:(A)For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**
  - (i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.**

- (ii) **The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Permitting, Inspections, and Enforcement or the Department of Public Works and Transportation.**

Section 24-113 sets forth the required findings for approval of a variation request:

**Section 24-113 Variations**

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The private streets are designed to accommodate fire, rescue, and service vehicles. Alleys that serve units that do not also front onto a private street will have 22-foot pavement widths. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The application includes 214 townhouse lots accessed by alleys, which front on either private streets or open spaces. The remaining townhouse lots are accessed directly from private streets and none of the lots have frontage on a public street. The Prince George's County Department of Public Works and Transportation does not maintain streets where townhouse driveways access the streets directly, which results in the need to provide private streets within the development. The site is encumbered by a stream and the A-65 right-of-way. Other properties do not have similar conditions, which are unique to this site. The applicant requested

approval of the variation, due to the circumstances that are specific to this site, including its shape and topographic conditions.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The variation from Section 24-128(b)(7)(A) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The portion of the property which lies between the unnamed tributary of Piscataway Creek and MD 5 contains over 10 acres of land, which is approximately 14 percent of the subject property. The site is also encumbered by the A-65 right-of-way. A neo-traditional development, with private roads, alleys, driveways, and garages to serve the circulation and parking needs of the future homeowners was approved. On-street parking is provided for overflow and guests. These conditions create an environment that is unique to the property and generally not applicable to other properties.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This is not applicable because the site is zoned M-X-T.

The Planning Board finds that the site is unique to the surrounding properties and the variation request is supported by the required findings. The Planning Board also finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035.

Therefore, the Planning Board approves the variation from Section 24-128(b)(7)(A), to allow 214 lots to have access via an alley without frontage on a public right-of-way.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations, with the approved conditions.

11. **Schools**—This PPS has been reviewed for its impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations. The results are as follows:

Impact on Affected Public School Clusters  
 Multifamily Units

Affected School Clusters	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	407 DU	407 DU	407 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	59.0	31.0	44.0
Actual Enrollment in 2018	4,795	1,923	2,471
Total Enrollment	4,801	1,917	2,478
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

Section 10-192.01 of the County Code establishes a school facilities surcharge with an annual adjustment for inflation. The current school facilities surcharge amount is \$16,698, as this project falls outside of the I-495 Capital Beltway. This fee is to be paid at the time of issuance of each building permit.

The commercial portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewer, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated September 5, 2019 (Saunders Hancock to Turnquest), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS includes 407 single-family attached dwelling units, a 240-unit assisted living facility, and 12,000 square feet of commercial development in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way Brandywine Road, master plan right-of-way A-65, and Central Branch Avenue. There are private roads, which provide circulation throughout the residential portion on the western portion of the site. Section 24-128(b)(12) requires that 10-foot-wide PUEs be provided along one side of all private streets. The required PUEs are delineated on the PPS.

15. **Historic**—An unnamed tributary to Piscataway Creek runs south to north along the eastern portion of the property, with steep slopes on either side. The 1938 aerial photographs indicate that the central and southwestern portions of the property were used for agricultural purposes at that time. By 1965, the agricultural operations on the subject property were abandoned and the parcel was completely wooded. The property was logged sometime in the recent past.

The subject property was part of several land grants known as Piscataway Forest, Enclosure, and Prevention. Portions of the property were owned in the eighteenth century by James Bonifant and Samuel Townshend. Samuel Townshend's son, William Townshend, married Keziah Bonifant, daughter of James Bonifant. William Townshend acquired the land within the subject property, in the early nineteenth century. By 1828, William Townshend owned a plantation comprising 804 acres, and held 10 enslaved laborers. By 1840, William Townshend held 27 enslaved laborers on his property. William Townshend died in 1849 and was buried in a family cemetery located on the subject property. His first wife is likely buried in the family cemetery as well, but her grave was not marked. William Townshend's second wife, Fidelia Belt Townshend, and a daughter, Eleanor West Townshend Harrison, are also buried in the family cemetery. William Townshend's father and mother are also believed to be buried on the site, but their graves are not marked.

A Phase I archeology survey was conducted on the subject property in April and May 2017. A total of 616 shovel test pits were investigated on the property, 22 of which contained cultural material. No intact features or standing structures were noted on the property. Four archeological sites, 18PR1106–18PR1109, were delineated in the upland area of the property. These included a nineteenth-century domestic occupation, a nineteenth-century cemetery, and two trash scatters likely associated with the house site. Only site 18PR1106 was thought to contain potentially significant information. The Townshend Cemetery is in an area not planned for development.

A Phase II archeological evaluation was conducted on site 18PR1106, between October and December 2018. The applicant submitted a draft Phase II archeological report for site 18PR1106 with the subject application. The report concludes that site 18PR1106 contains significant intact archeological deposits compatible with an 1810 to 1870 domestic occupation. The report recommends that the archeological site be preserved in place.



The findings and recommendations of the Phase I and Phase II reports indicate that site 18PR1106 contains significant information on the nineteenth-century occupation of the site by the William Townshend family. Site 18PR1106 shall be preserved in place, and the open space will provide for passive recreation on Parcel AB, as shown on the plan. No ground disturbance will be allowed on this parcel. An archeological easement shall be recorded on this parcel.

Sites 18PR1107 and 18PR1108 did not contain significant cultural information and therefore, no further work is required on these sites. Sites 18PR1107 and 18PR1108 are not likely to provide significant information on the prehistory or history of Prince George’s County. Therefore, no further work shall be required on these sites.

Site 18PR1109 is the Townshend Family Cemetery. The stones have been displaced and several holes have been excavated. At the time of subdivision, the applicant will have to comply with Section 24-135.02 for the protection and long-term preservation of the Townshend Family Cemetery. The plan shows the cemetery located in open space. The applicant has provided proof that the corners of the cemetery have been staked in the field and an inventory of existing cemetery elements and their condition. The applicant has also provided a 50-foot buffer around the cemetery on the plans. The applicant has satisfied Section 24-135.02(a).1, 2, and 3. The applicant will address Section 24-135.02(a).4 and 5 and 24-135.02(b) with the DSP. Details of an appropriate enclosure for the cemetery and arrangements for its future protection, maintenance, and access shall be provided at the time of DSP.

The boundaries of the Townshend Cemetery (18PR1108) were identified in the archeological survey. To ensure that there were no burials outside of the area where the stones were found, six trenches were excavated with a small backhoe with a flat-bladed bucket. No additional burials or burial shafts were encountered. To protect the Townshend Cemetery during construction, the applicant shall install a super silt fence around the limits of the burial ground.

The subject property does not contain and is not adjacent to any Prince George’s County Historic Sites or Resources.

16. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-120-2017	N/A	Staff	Approved	7/24/2017	N/A
NRI-120-2017-01	N/A	Staff	Approved	8/30/2018	N/A
CSP-17003	TCP1-008-2018	Planning Board	Approved	10/11/2018	18-98
4-18028	TCP1-008-2018-01	Planning Board	Pending	Pending	Pending

The previous reviews of the site were for a larger land area, which included a triangular shaped parcel (2.62 acres), recorded in Prince George's County Land Records, in Liber 39313, folio 573, also owned by the same owner, east of the site across Branch Avenue. This "01" revision does not include this triangular parcel.

**Approved Activity**

This PPS and a revised Type 1 Tree Conservation Plan (TCP1-008-2018-01) are approved for the construction of a mixed-use development consisting of 407 townhome units, a 240-unit assisted living facility, and commercial development.

**Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010, and February 1, 2012 because the application is for a new PPS.

**Plan Prince George's 2035 Approved General Plan (2014)**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035; and the Established Communities of the General Plan Growth Policy Map (2035).

**Approved Subregion 5 Master Plan and Sectional Map Amendment (2013)**

In the Subregion 5 Master Plan, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

**POLICY 1: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

**Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**

**Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The project site contains regulated environmental features, woodland areas, and elements of the *Countywide Green Infrastructure Plan* of the *Approved Prince George's Resource Conservation Plan* (May 2017). The site is required to provide bio-retention and infiltration according to the approved SWM concept letter. The PPS provides 29.5 acres of open space, located throughout the development. The open space locations will be further evaluated at the time of DSP. Impacts to sensitive areas have been limited to those required or necessary for development, such as outfalls and a stream valley trail.

**POLICY 2: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

**Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

This application is for the construction of a residential subdivision, assisted living facility, and commercial area. The SWM design will be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM Concept Plan and letter (No. 60393-2017-00), which was submitted with the subject application and proposes grass swales, micro-bioretenion ponds, and submerged gravel wetland ponds.

**POLICY 3: Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.**

**Conserve as much land as possible in the rural tier portion of the water shed as natural resource land (forest, mineral, and agriculture).**

**Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The site is not within the Mattawoman Creek watershed or the rural tier. The proposed development will be outside the environmentally sensitive areas except for impacts for one stormwater outfall, one road crossing, sewer line connections, and a tie into an existing sewer manhole. The remaining sensitive areas will be preserved.

**POLICY 4: Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay Critical Area.

**POLICY 5: Reduce air pollution through transportation demand management (TDM) projects and programs.**

**Promote "climate-friendly" development patterns through the planning processes and land use decisions.**

**Increase awareness of the sources of air pollution and green-house gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

**POLICY 6: Encourage the use of green building techniques that reduce resource and energy consumption.**

Development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be implemented to the greatest extent possible.

**POLICY 7: Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion.**

The development will preserve a large wooded area between the 407 residential lots and the on-site assisted living facility, and commercial development. In the future, these two uses will be connected with a master-planned roadway. During construction, there will be noise-producing activities that will cease after infrastructure and building construction is completed.

**Countywide Green Infrastructure Plan**

According to the approved *Countywide Green Infrastructure Plan*, most of the site is within regulated areas or evaluation areas within the designated network of the plan, and contains a perennial stream, associated stream buffers, and adjacent woodlands. Impacts are proposed within both the regulated and evaluation areas for the residential development.

The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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

Most of the application area is within either regulated or evaluation areas, which are totally wooded. Any development within the on-site woodlands will impact a portion of the green infrastructure network. However, preservation is focused on the areas of highest priority.

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

The site has an approved SWM concept plan, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. The PMA associated with this application are located along the northern and western boundary. The application includes one stormwater outfall, one road crossing, sewer line connections, and a tie into an existing sewer manhole that will impact the PMA. The remaining PMA will be preserved as woodlands.

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

The 2002 Approved General Plan has been superseded by the Plan 2035. The property is subject to the WCO. The overall site contains a total of 69.46 acres of net tract woodlands, and 2.77 acres of floodplain woodlands. The plan proposes to clear 58.88 acres of net tract woodland, 0.12 acre of floodplain woodlands, and 0.95 acre of off-site floodplain woodlands. The resultant woodland conservation requirement is 24.71 acres, which will be met with 16.49 acres of on-site preservation and 8.22 acres of off-site woodland credits.

**Natural Resources Inventory/Existing Conditions**

A Natural Resources Inventory, NRI-120-2017-01, was provided with this application. The TCP1 and PPS show all the required information correctly, in conformance with the NRI.

**Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and has a previously approved TCP1-008-2018 approved with CSP-17003. A revised TCP1-008-2018-01 was submitted with this PPS.

Based on the revised TCP1, the site contains 72.08 acres of net tract woodland and has a woodland conservation threshold of 10.42 acres (15 percent). The woodland conservation worksheet provides for the clearing of 58.88 acres in the net tract area, 0.12 acre in the floodplain, and 0.95 acre off-site, resulting in a woodland conservation requirement of 24.71 acres. The TCP1 worksheet indicates the requirement is to be met with 16.49 acres of on-site woodland preservation, and 8.22 acres of off-site woodland conservation credits. The forest stand delineation has identified eight specimen trees on-site. The removal of four specimen trees was approved with this application.

The TCP1 requires a minor technical revision, which is included in the conditions of this approval.

**Specimen 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 in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Environmental Technical Manual.”

The site contains eight specimen trees with the ratings of good (ST-1, ST-2, and ST-8), fair (ST-3, ST-4, ST-5, and ST-6), and poor (ST-7). The removal of four specimen trees is approved.

**Statement of Justification Request**

A Subtitle 25 variance application, an SOJ in support of a variance, and a tree removal plan were received for review on August 23, 2019.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The submitted letter of justification seeks to address the required findings for the four specimen trees, and details specific to individual trees have also been provided in the following chart.

**SPECIMEN TREE SCHEDULE SUMMARY**

	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
1	Tulip poplar	30	Good	To be removed
2	White oak	33	Good	To be removed
3	White oak	35	Fair	To be saved
4	Tulip poplar	37	Fair	To be saved
5	Red oak	30	Fair	To be removed
6	Tulip poplar	30	Fair	To be saved
7	White oak	40	Poor	To be saved
8	American beech	45	Good	To be removed

**Statement of Justification Request**

A variance to Section 25-122(b)(1)(G) was approved for the clearing of the four specimen trees on-site. The site consists of 72.23 acres and is zoned M-X-T. This variance is requested to the Woodland and Wildlife Conservation Habitat Ordinance, which requires, under Section 25-122 of the Prince George’s County Zoning Ordinance, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The applicant submitted an SOJ of how the required findings for approval of a variance are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The site is primarily wooded with extensive PMA throughout the central portion of the site. Also, a master plan roadway along the western property line connecting Brandywine Road and Branch Avenue is required with this development. The location of the four specimen trees and their root zones will be impacted due to their location relative to the master plan roadway, sewer line access, and necessary road and lot grading to avoid PMA impacts. To effectively develop the site with the necessary right-of-way and infrastructure improvements and the grading, the subject specimen trees must be removed.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

The central area of the property cannot be developed due to various environmental constraints. These areas are primarily forested. Four specimen trees and their root zones will be impacted, due to their location relative to the master plan roadway (ST-8), a sewer line access (ST-5) and necessary road and lot grading to avoid PMA impacts (ST-1 and ST-2). Four specimen trees located on the property are to be retained. The development of the site is in keeping with similar projects within the area.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Based on the various site constraints (PMA) and the master-planned roadway, the granting of this variance will allow the project to be developed in a functional and efficient manner.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The removal of the specimen trees is primarily due to the proximity of the adjacent PMA, and the need to prevent impacts to the PMA and the required construction of the master-planned roadway. The request is not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

This request is based on the nature of the existing site, the distribution of the subject trees, and the required on-site infrastructure. This request is not based on conditions related to land or building use on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality**

The removal of four specimen trees will not adversely affect water quality. The Branch Avenue M-X-T development will not adversely affect water quality because the project will be subject to the requirements of the Maryland Department of the Environment, the Prince George's County Soil Conservation District, and the approval of a SWM concept plan by DPIE. The applicant is proposing to meet more than the woodland conservation threshold on-site while preserving much of the PMA. The remainder of the woodland conservation requirement will be met with off-site woodland credits.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Trees 1, 2, 5, and 8, and the Planning Board approves the variance.

**Preservation of Regulated Environmental Features/Primary Management Area**

Impacts to the regulated environmental features shall be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property shall be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are for one road crossing (Area A), multiple sewer crossings and connections (Area B), and one SWM outfall (Area C). An SOJ was received with the revised application dated August 8, 2019, for the impacts to the PMA (floodplain, stream, stream buffer, and steep slopes).

**Statement of Justification**

The SOJ includes a request for three separate PMA impacts totaling 62,000 square feet (1.42 acres) of impacts to floodplain, stream, stream buffer, and steep slopes.

**Analysis of Impacts**

Based on the SOJ, the applicant is requesting a total of three impacts listed, then described below:



**Impact A: Road Construction**

PMA impacts total 26,358 square feet for the construction of a single road crossing connecting two developable areas. The impact area is shown at a narrow location within the stream bed. The impacts are to an intermittent stream channel (168 linear feet) and its associated stream buffer.

This impact is unavoidable and is necessary for development of the site. Impact A is approved.

**Impact B: Sewer Line Installation**

PMA impacts totaling 32,380 square feet for the construction of various sections of sanitary sewer lines and connecting to an existing manhole. These sewer lines are located within the perennial stream valley, between the residential area and the commercial area, to connect to the existing off-site manhole. The impacts are to a perennial stream channel (56 linear feet), stream buffer, 100-year floodplain, and steep slopes.

This impact is unavoidable and is necessary for the development of the site. Impact B is approved.

**Impact C: Stormwater Management Outfall**

PMA impacts total 3,262 square feet for the construction of one SWM outfall structure and an adjacent sewer line. The impacts are to the 100-year floodplain and steep slopes.

This impact is unavoidable and is necessary for the development of the site. Impact C is approved.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The impacts necessary for road construction, sewer line installation, and one SWM outfall (Impacts A, B, and C) are reasonable for the orderly and efficient development of the subject property.

**Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are the Beltsville silt loam (0 to 5 percent), the Croom-Marr complexes, Sassafras complexes, Udorthents soils, and Widewater and Issue soils. Marlboro clay and Christiana complexes are not found on or near this property.

**Lot Depth Variation**—Because the property fronts on an arterial road (A-65), pursuant to Section 24-121(a)(4), the applicant has provided a variation request to allow lots to be platted with less than the required minimum 150-foot lot depth. Section 24-121(a)(4) states the following:

**Section 24-121. Planning and design requirements.**

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**

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

Section 24-113 sets forth the required findings for approval of a variation request:

**Section 24-113 Variations**

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The 150-foot lot depth requirement is aimed at providing a deep enough lot so that undue impacts related to traffic, in this case from A-65, a master plan arterial roadway, which is planned to cross the subject property, are avoided.

Using the Noise Computation Formula Worksheet provided by M-NCPPC and the future projected average daily traffic for A-65, the future 65 dBA noise contour was determined to be 78 feet from the centerline of A-65, which places the contour within homeowners association (HOA) space for a majority of the site's frontage on A-65. Those lots that front on A-65 and the building construction will help mitigate the noise, which does not fall within the rear yards of any units. The development is designed such that outdoor activity areas provided for the residents are located out of the areas which would be impacted by noise generated from the roadway at ultimate build out. In addition, the dwelling units will be designed to ensure that noise interior to the dwelling, which would be generated from an arterial roadway, is reduced below 45 dBA, based upon projected noise levels. With these design and construction protections in place, the granting of the variation will have no future negative impacts, should the roadway be constructed to arterial standards in the future.

Light trespass from vehicles driving on A-65 will not be an issue since traffic will be travelling parallel to the fronts of most units adjacent to the roadway. For the few that are located perpendicular to A-65, the street trees that will be installed along A-65, as well as the landscape planting that is done on the HOA parcels, will mitigate any potential lighting conflicts. A landscape plan will be provided with the DSP application for the project, which will reflect this mitigation.

Special attention will be paid to the use of salt tolerant plant species for both the street trees as well as the bio-retention plantings for the facilities that will be providing SWM for the roadways. The project's street tree and lighting plans, as well as the SWM landscape plans, will not propose White Pines, Sugar Maples, Dogwoods, or Lindens due to their sensitivity to salt spray. Instead, the landscape plans will feature White Oak, Arrow-wood, Summersweet, Winterberry, and Northern Bayberry, which all thrive in a higher saline environment.

Building materials shall also be reviewed at the time of DSP to ensure durability against particulate matter from the roadway, given the placement of structures along A-65.

There is no evidence that such variations are injurious to other properties. The granting of the variation will not have negative impacts on public health, safety, or welfare.

**(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Though the site has frontage on Branch Avenue, it is accessed primarily from Brandywine Road. As planned, A-65 will connect Piscataway Road (far to the west) across Brandywine Road to Shady Oak Parkway via a proposed overpass over Branch Avenue to the east. The timing of this construction and ultimate connection to points east and west is still undetermined. However, the A-65 impact on the subject property is significant, as A-65 cuts through the heart of the subject property creating design and engineering difficulties. The right-of-way location, moved slightly north of the master plan alignment, decreases some of the difficulties, but creates a difficulty in meeting the 150-foot lot depth requirement. The right-of-way for A-65 is secured west of Brandywine Road, but much of the right-of-way for its connection across Branch Avenue is yet to be acquired. The A-65 right-of-way through the site is more than 2,000 feet long, covering nearly the entire length of the property. These conditions create an environment that is unique to the property and generally not applicable to other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The variation from Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The property is irregularly shaped, with a narrow frontage on Brandywine Road, and narrow frontage on Branch Avenue. In the northern portion of the property, there is a 2,000-foot-long future master plan arterial roadway (A-65), and in the property's center, an unnamed tributary to Piscataway Creek. The property widens in the center before narrowing again as it nears Branch Avenue; it eventually comes to a point across Branch Avenue. The combination of the unnamed Piscataway Creek tributary and the planned A-65 right-of-way limit the development potential of the property. If the strict letter of these regulations is carried out, it would again impose another limitation to this development and hardship to the applicant.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This is not applicable because the site is zoned M-X-T.

The Planning Board finds that the conditions on which the variation is based are unique to the property and the variation request is supported by the required findings. The Planning Board also finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035.

Therefore, the Planning Board approved the variation from Section 24-121(a)(4), to allow 84 lots to be platted with a lot depth less than 150 feet.

17. **Urban Design**—Conformance with the following Zoning Ordinance regulations is required for the site development at the time of the required DSP review:

- Section 27-544 regarding regulations in the M-X-T Zone;
- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone;
- Section 27-548 regarding regulations in the M-X-T Zone, as amended by CB-087-2018;
- Part 11, Off-street Parking and Loading; and,
- Part 12, Signs

Section 27-548(g) reads, as follows:

**Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

Private streets are approved with this application and are consistent with the requirements of Subtitle 24.

The lot layout generally conforms with the Zoning Ordinance requirements applicable to the M-X-T Zone. However, the PPS is not consistent with the requirements of Section 27-548(h), regarding minimum lot width and maximum number of units in each building group. Specifically, the applicable provisions of Section 27-548(h) are as follows:

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area.**

There are 45 lots in the interior of the development, which are 16 feet in width. The applicant requests a variance to the minimum lot width requirements of Section 27-548(h), to allow 45 interior lots to be 16 feet in width.

Pursuant to CB-87-2018, Section 27-548(h) was revised, as follows:

**Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least [one thousand eight hundred (1,800)] one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than [six (6)] eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than [six (6)] eight (8) dwelling units (but not more than [eight (8)] ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than [six (6)] eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, [and the end units on such building groups shall be a minimum of twenty-four (24) feet in width]. The minimum building width in any continuous, attached group shall be [twenty (20)] eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet.**

In accordance with Section 27-230(a) of the Zoning Ordinance, in order to approve a variance, the Planning Board must make the findings, 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;**

This property is impacted by numerous natural conditions as well as situations or conditions unrelated to the natural environment. Specifically, a 2,000-foot-long planned master plan arterial roadway (A-65) runs across the northern section of the property, and an unnamed tributary to Piscataway Creek impacts a large part of the property's center. The topography associated with the stream divides the property, resulting in a protected central corridor. The combination of the unnamed Piscataway Creek tributary and the planned A-65 right-of-way limit the

development potential of the property. In addition, the subject property is impacted by an archeological site, as well as a family cemetery.

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

The regulations applicable to townhouse development were inserted into the Zoning Ordinance in 1996. As originally enacted, these regulations established a minimum width of 20 feet for townhouses. However, over the years, it was recognized that such a limitation was not appropriate under all circumstances. Revisions were made to allow for denser development in and around transit stations (CB-40-2002) and in Mixed Use Planned Communities (CB-13-2002). Other unique circumstances were addressed through the approval of variances. In 2018, the County Council modified the regulations applicable to townhouses in recognition that the nature of townhouse development had changed to a more urban product, with an emphasis on rear loaded units that reduce the number of garages facing the street. As a result, CB-87-2018 amended the requirements of Section 27-548(h). According to the Committee Report, the bill was “intended to modernize the outdated standards for townhouses...” The Council amended many of the standards of Section 27-548(h) and recognized at that time that the minimum standard of 20 feet for townhouse widths was “outdated” and reduced that minimum standard to 18 feet. However, unique circumstances such as the subject property are still appropriate to address through the approval of a variance.

This PPS provides a mix of townhouse styles and widths that was approved in the Conceptual Site Plan. Almost 90% of the proposed townhouses are 20 feet wide to 24 feet wide. The builders have requested the ability to provide a variety of unit widths to provide product diversity and a range of prices to meet the needs of a broader range of purchasers. The 45 16-foot wide townhouses are provided mostly near the center of the project. These units occur in the middle of a building group and provide architectural variety to the community.

The second criterion for approval of a variance is that the strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties, or exceptional or undue hardship upon the owner of the property. The type of variance requested in this case is an area variance, which is subject to the “practical difficulty” standard. Maryland courts have stated that in order to justify the grant of an area variance, the applicant need show only that:

1. Compliance with the strict letter of the restrictions governing areas, setback, front ages, 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. 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; and
3. Relief can be granted in such fashion that the spirit of the Ordinance will be observed, and public safety and welfare secured.

The standard width of townhouses in Prince George's County for many years has been 20 feet, as dictated by the minimum lot width established in 1996. The County Council clearly recognized the need for additional diversity of width by reducing the minimum size to 18 feet. However, providing 18-foot-wide townhouses is problematic in this case, given the lack of market for them and the lack of builder product. The provision of 16-foot townhouses will increase architectural variety within the community, and accommodate a larger demographic of buyers. The reduction in unit width size will not result in a reduction in the minimum lot size provided. Thus, the variance requested is minor, and the 18-foot requirement is unnecessarily burdensome.

The M-X-T Zone calls for flexibility in design that, in part, responds to market forces and allows for "freedom of architectural design to provide an opportunity and incentive for the developer to achieve excellent in physical, social and economic planning." [Sec. 27-542(a)]. Without the flexibility to provide a small number of 16-foot townhouses, the applicant is hampered from providing options for potential buyers of various economic means. Substantial justice is accomplished with the approval of the variance.

Granting of the variance to allow 16-foot-wide townhouses, as shown on the approved CSP, will have no impact on public safety, and will in fact, have a positive impact on public welfare. Public welfare is served by great neighborhoods, which are created with variety and interest and context sensitive design.



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

The Subregion 5 Master Plan recommends Residential Low Density (Map IV-1; p. 32), and the SMA rezoned the property from the R-R Zone to the M-X-T Zone (Change 19; p. 188). While the Subregion 5 Master Plan recommended low density, the County Council placed the property in the M-X-T Zone. Mixed use areas are described as “areas [that] contain residential, commercial, employment and institutional uses” (p.33). The mix of uses proposed on the property; residential, commercial office, and institutional uses are in keeping with CSP-17003.

Plan 2035 recommends major developments be concentrated within Centers. The property is in the Established Communities Growth Policy Area established in Plan 2035:

**Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.” (p. 20)**

Not all properties in the Established Community Policy Area can be considered "infill" development. The key is that the development be context sensitive, low- to medium-density development. The PPS presents development in keeping with the Subregion 5 Master Plan recommendations in an area where public facilities are available to meet the needs of the residents.

With 407 proposed mixed-type dwelling units on 74 acres, the proposed density is 5.5± dwellings per acre, within the range the R-55 Zone.

Both the Master Plan and Plan 2035 are silent on specifics such as lot size. Both call for low or moderate density on the site; the 16-foot-wide townhouses do not affect that recommendation. Three of the purposes of the M-X-T Zone [Section 252(a)] are:

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;
- (9) To permit a flexible response to the market and promote economic vitality and investment; and
- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

The variance is approved to provide a compact, mixed-use community that is flexible in its response to changing market conditions and achieve excellence in physical, social and economic planning. The proposed development advances the purposes of the M-X-T Zone and does not impair the integrity of the Master Plan or Plan 2035. A range of townhouse widths provides a variety and visual interest in the neighborhood.

In addition, one of the building groups contains nine units. Providing nine units in a building group does not require a variance, but rather requires a justification, which the applicant provided in an SOJ in support of the PPS. One building group with nine units is well within the 20 percent allowed and is approved. According to the SOJ, the nine-unit stick will reduce the infrastructure and environmental impacts for roads, utilities, and SWM facilities.

#### **Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than 5,000 square feet of gross floor area or disturbance, and requires a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 72.23 acres in size and requires 7.22 acres of tree canopy coverage. Compliance with this requirement will be further evaluated at the time of DSP review.

#### **2010 Prince George's County Landscape Manual**

The development is subject to the requirements of the *2010 Prince George's County Landscape Manual*. Specifically, the applicant must demonstrate conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements from Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets, Section 4.7, Buffering Incompatible Uses, Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees along Private Streets, at the time of DSP review.

**Other Design Issues**

The submitted PPS shows areas for private on-site recreational facilities in fulfillment of the mandatory dedication requirement. Conformance with the *Park and Recreation Facilities Guidelines* will be determined at the time of DSP when details of specific facilities are provided.

At the time of DSP, if it is determined that additional facilities are required to meet the value amount, there may be a loss of lots due to the limited usable open spaces in the PPS.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, October 3, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of October 2019.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:AT:gh

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department  
Date 10/18/19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division  
 Transportation Planning Section

301-952-3680

December 14, 2020

**MEMORANDUM**

TO: Jeremy Hurlbutt, Development Review Division

FROM: Glen Burton, Transportation Planning Section, Countywide Planning Division **GB**  
 Noelle Smith, Transportation Planning Section, Countywide Planning Division **NS**

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

SUBJECT: **Detailed Site Plan Review for Multimodal Transportation,  
 DSP-20014, Harmony at Brandywine**

The following detailed site plan (DSP) was reviewed for conformance with the appropriate sections of Subtitle 27, Part 3, Division 9; the 2009 *Approved Countywide Master Plan of Transportation* (MPOT); and the 2013 *Approved Subregion 5 Master Plan* (area master plan) to provide the appropriate multimodal transportation recommendations.

Type of Master Plan Bikeway or Trail

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

<b>DEVELOPMENT APPLICATION BACKGROUND</b>	
Building Square Footage (non-residential)	193,500 square- feet
Number of Units (residential)	195 Units
Abutting Roadways	MD 5 (Branch Avenue)
Abutting or Nearby Master Plan Roadways	MD Rt. 5 (F-9) A-65
Abutting or Nearby Master Plan Trails	Side path along A-65 (planned)
Proposed Use(s)	Elderly Care Facility
Zoning	M-X-T
Number of Parking Spaces Required	97
Number of Parking Spaces Provided	139
Centers and/or Corridors	Branch Avenue Corridor
Prior Approvals on Subject Site	CSP-17003, 4-18028
Prior Approval Subject to 24-124.01	Established at Preliminary Plan

### **Development Proposal**

The development application proposes a 193,500 square foot elderly care facility along the west side of Branch Avenue (MD 5), approximately 1,500 feet north of Moores Road. The subject application is within the Mixed-Use Transportation (M-X-T) zone and is part of a larger mixed use planned development.

### **Existing Conditions**

The subject site is currently undeveloped.

### **Prior Conditions of Approval**

This application is subject to the following prior development approvals:

#### **CSP-17003**

2. At the time of preliminary plan of subdivision (PPS), the applicant shall:

- d. Provide the master plan trail along one side of A-65 (Savannah Parkway) and a standard sidewalk along the other. Show the appropriate dedication of right-of-way for the proposed A-65 that shall accommodate the master plan trail.
- e. Evaluate if a trail access may be appropriate between the planned commercial development area and the residential development areas.
- f. Provide an extension of "Street B" to connect with the existing stub end of Malthus Street.

**Comment:** The planned facilities along A-65 (Savannah Parkway) and the extension of Proposed Street B is included in 4-18028 and satisfy condition 2d and 2f. An additional trail connecting the proposed western, residential section of the preliminary plan with the commercial property was evaluated at the time of the preliminary plan of subdivision and was found to be infeasible due to environmental constraints. Pedestrian and bicycle access will be provided throughout the eventual subdivision via the master plan recommended side path along A-65 (Savannah Parkway). Moreover, the submitted plans include a pedestrian connection between the subject site and the adjacent vacant lot to facilitate future connections.

3. Prior to approval of a detailed site plan for the project, the applicant shall:

- b. Provide sidewalks on both sides of all internal roads consistent with the Complete Streets Policies of the MPOT, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.
- c. Provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by the Department of Permitting, Inspections and Enforcement or the Department of Public Works and Transportation.
- d. Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.

**Comment:** Condition 3c is not applicable to the subject site. Staff recommend that a sidewalk along the property frontage of the service road connecting to the entrance of the building be provided including any associated crosswalks and ADA curb ramps. While the submitted plans indicate a five-

foot-wide sidewalk connection linking to the adjacent parcel, it also indicates a slope that may be difficult to provide direct, convenient, and comprehensively designed pedestrian facilities. The sidewalk along the service road would be in addition to this internal connection and would be subject to modification by the Maryland Department of Transportation State Highway Administration (SHA). Designated space for bicycle parking to accommodate racks has been provided at a location convenient to the entrance of the proposed elderly facility and satisfies condition 3d.

#### **4-18028**

4. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, and details of the off-site bus shelters and any associated sidewalk, crosswalk, and Americans with Disabilities Act ramp improvements consistent with Section 24-124.01(f) of the Subdivision Regulations.

**Comment:** The exhibit required per Section 24-124.01 of the Subdivision Regulations is included in the subject application and will be further reviewed at the time of permit for financial assurances and/or construction.

5. Total development within the subject property shall be limited to uses that would generate no more than 491 AM and 476 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of the adequacy of transportation facilities.

**Comment:** This phase of the development represents a 240-bed Assisted Living facility. Based on trip generation rates (ITE-Code 254) from the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), this development will generate 43 AM and 70 PM peak hour trips. Consequently, the trip cap will not be exceeded by this phase of the approved preliminary plan of subdivision (PPS) 4-18028.

#### **Access and Circulation and conformance with Zoning Ordinance**

There is one access point to the subject site from the proposed service road and MD 5 (Branch Avenue).

Recent revision of the site plan proposes a modification of the site access to MD 5. The approved PPS showed a right-in, right-out access which typically does not allow for any conflicting movements. In the revised plan however, a new access layout is being proposed which creates two unsignalized "T" intersections with conflicting movements. An analysis was done for both intersections consistent with the established methodology for unsignalized intersections. Based on total traffic projection from the proposed site, the results of the analysis show that both intersections will operate with delays of under nine seconds for both AM and PM peak hours. These results are well below the 50-second threshold that is deemed acceptable by the Transportation Review Guidelines. The modified access points reflected in the pending application will result in more right-of-way being dedicated than was proposed in the approved PPS.

There are 24-foot-wide drive aisles throughout the subject site parking lot and sufficient space for vehicle turn-around at each end of the parking lot. There are two crosswalks and expected points of pedestrian travel crossing the drive aisles.

Sections 27-283, Site Design Guidelines and 27-274(a)(2), Parking, loading and circulation, provide provisions for the design of the multimodal facilities associated with the subject application.

The submitted site plan proposes a surface parking lot that surrounds most of the building. A development including 93 multifamily dwellings for the elderly or physically handicapped, 62 assisted living units, and 40 home care units requires 97 parking spaces. The submitted plans include 139 parking spaces, which include six handicap accessible parking spaces. The submitted plans show that all parking spaces meet the dimensional requirements.

**Comment:** While the subject application is within the M-X-T zone, it is not expected to share parking as there are currently no adjacent uses and existing design suggests a self-contained facility. Staff find that the surface parking lot(s) depicted in submitted site plan reflect the design guidelines of the zoning ordinance.

The submitted site plan proposes a loading area to the rear of the subject site. There is one required loading space and one provided loading space.

**Comment:** Staff find that the loading area depicted in submitted site plan reflect the design guidelines of the zoning ordinance.

The submitted site plan proposes vehicular and pedestrian circulation that includes one access driveway for vehicles along the service road of MD 5. Five-foot-wide sidewalk is also included along most of the perimeter of the proposed facility for a connection between the parking lot, building entrance, and patio area. However, there is a short gap in this circumferential sidewalk in the rear of the site. There is also a sidewalk connection from the subject site to the northern property boundary for a future pedestrian connection. Additionally, a continental style crosswalk is located near the entrance driveway connecting parking to the building entrance. This crosswalk connects to a short sidewalk segment on the east side of the parking lot. This side could be extended to connect to the recommended sidewalk along the service road.

**Comment:** Staff find that the vehicular and pedestrian circulation depicted in the submitted site plan does not reflect the design guidelines of the zoning ordinance, pursuant to Section 27-583 and 27-274. Staff recommend the sidewalk connection around the perimeter of building be completed to proposed "AL" Patio. Staff further recommend that a sidewalk connection be provided from the entrance of the building to the recommended sidewalk along the frontage of the service road.

### **Proposed Improvements and conformance with Mixed-Use-Transportation Zoning**

The subject site is located within the Mixed-Use-Transportation (M-X-T) Zone. Section 27-256, Site Plans, provides additional requirements for a detailed site plan.

The submitted site plan proposes multimodal access that includes designated space for bicycle parking. MD 5 includes shared roadway markings (sharrows) less than one mile south of the subject site and approximately 2.5 miles north of the subject site. The bicycle parking is a component needed to encourage alternative modes of transportation.

**Comment:** Staff find that the multimodal transportation circulation and access of the submitted site plan reflect the purposes of the M-X-T zone.

The submitted site plan proposes a pedestrian system that includes standard sidewalk throughout the site, and a crosswalk within the parking lot. The plans also include a sidewalk connection to the adjacent property for future connectivity.

**Comment:** Staff find that the pedestrian system is not convenient and comprehensively designed to encourage pedestrian activity within the development. Staff recommend a sidewalk connection to proposed "AL" Patio to complete a pedestrian route around the entire building. Additionally, staff

recommend a sidewalk along the frontage of the service road and a sidewalk connecting to this service from the entrance of the building to provide an ADA accessible route to the future development of the northern adjacent property. These facilities will provide a convenient and comprehensive pedestrian system.

The submitted site plan proposes pedestrian activity areas that include benches, patio areas at the rear of the building, and a memory garden within the building.

**Comment:** Staff find that the pedestrian activity areas pay adequate attention to human scale and high-quality urban design.

Transportation adequacy was found within the past six years for the subject site as part of Preliminary Plan of Subdivision 4-18028 (19-115).

**Comment:** Staff find that the proposed development application will meet transportation adequacy pursuant to 27-256(d)(10).

### **Master Plan Policies and Recommendations**

This detailed site plan is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and 2013 *Approved Subregion 5 Master Plan*. However, there are no master plan pedestrian or bicycle facilities that directly impact the subject site. The subject site is along MD 5 and just north of the subject site is master plan arterial road A-65.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

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

The Transportation Recommendations Section of the 2013 *Approved Subregion 5 Master Plan* makes the following policy recommendations:

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

**Comment:** The submitted plans and above recommendations are consistent with the master plan transportation policies by including paths to accommodate pedestrians throughout the site to and designated space for bicycle parking which is a key component of a bicycle friendly roadway. The master plan rights-of-way for A-65 and a future A-65 / MD 5 interchange are beyond the extent of the subject application.

### **Conclusion**

Based on the findings presented above, staff conclude that the multimodal transportation site access and circulation of this plan is acceptable, consistent with the site design guidelines pursuant to Sections 27-283 and 27-274, parking and loading requirements pursuant to Sections 27-568 and 27-582 and the M-X-T design guidelines pursuant to Section 27-546 and meets the findings required by



Section 27-285(b) for a detailed site plan for multimodal transportation purposes, if the following conditions are met:

1. Prior to certification of the detailed site plan, the applicant, or the applicant's heirs, successors, and/or assigns shall revise the plans to provide:


a. A minimum five-foot-wide sidewalk pathway connection to proposed "AL" Patio at the rear of the building.

b. A standard minimum five-foot-wide sidewalk and associated crosswalks and ADA curbs ramps along the service road connecting the subject site and the adjacent parcel to the north and a sidewalk connecting to the building entrance from the service road sidewalk, unless modified by the Maryland Department of Transportation State Highway Administration (SHA) with written correspondence.

December 10, 2020

**MEMORANDUM**

**TO:** Jeremy Hurlbutt, Master Planner, Urban Design Section, Development Review Division

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

**FROM:** Michael Calomese, Senior Planner, Neighborhood Revitalization Section, Community Planning Division

**SUBJECT:** **DSP-20014 Harmony at Brandywine,**

**FINDINGS**

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

**BACKGROUND**

**Application Type:** Preliminary Plan of Subdivision with variance request

**Location:** Located on the West side of Branch Avenue, east of Brandywine Road, Approximately 1600 feet north of Moores Road.

**Size:** 8.24

**Existing Uses:** Wooded

**Proposal:** Elderly Care Facility

**GENERAL PLAN, MASTER PLAN, AND SMA**

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

**Master Plan:** The 2013 *Approved Subregion 5 Master Plan* recommends Residential Low future land uses on the subject property, described as "Residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings." (Plan, page 31)

DSP-20014 Harmony at Brandywine

**Planning Area:** 85A

**Community:** Brandywine

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

**SMA/Zoning:** The 2013 *Approved Subregion 5 Sectional Map Amendment* rezoned the property from the R-R (Rural Residential) Zone to the M-X-T (Mixed-Use Transportation Oriented) Zone. The discussion of this zoning change (#19) in the SMA states (page 188): "There had been a development Node indicated on the 2002 County Approved General Plan map at the intersection of planned A-65 and MD 5 which was removed from the General Plan as an amendment with the approval of the Subregion 5 Master Plan. Public Hearing (4/11/13) Exhibit 725 requested the zoning and land use be changed to mixed-use. District Council resolution CR-81-2013, Revision Four, directed that the zoning of this site be changed from R-R to M-X-T."

**MASTER PLAN CONFORMANCE ISSUES:**

None

**ADDITIONAL INFORMATION:**

None

c: Long-range Agenda Notebook  
Scott Rowe, AICP, CNU-A, Planning Supervisor, Long Range Planning Section, Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Countywide Planning Division  
Historic Preservation Section

301-952-3680

December 10, 2020

MEMORANDUM

TO: Jeremy Hurlbutt, Urban Design Section, Countywide Planning Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JRS**  
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

SUBJECT: DSP-20014 Harmony at Brandywine

The subject property comprises 8.24 acres on the west side of Branch Avenue, east of Brandywine Road, approximately 1,600 feet north of Moores Road. The subject application proposed an elderly care facility. The subject property is Zoned M-X-T.

A Phase I archeology survey was conducted on the subject property in 2017 and no sites were identified on this portion of the overall property. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources. Historic Preservation Section staff recommend approval of DSP-20014 Harmony at Brandywine without conditions.



*Division of Environmental Health/Disease Control*

Date: October 20, 2020

To: Jeremy Hurlbutt, Urban Design, M-NCPPC

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

Re: DSP- 20014, Harmony at Brandywine

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Harmony at Brandywine Elderly Care Facility and has the following comments / recommendations:

1. The Elderly Care Facility must meet all state and local regulatory requirements for COVID-19 precautions mandated by the Governor of Maryland. The facility must follow the CDC Guidance for the prevention of the spread of COVID-19.
2. The applicant should be in compliance with the Code of Maryland Regulations (COMAR) 10 Subtitle 24 for Maryland Health Care Commission regulations, Subtitle 9 for Medical Care Programs and be in compliance with all state and local regulations. The facility must obtain all necessary licenses in accordance with the state and local regulatory agencies.
3. The applicant must submit plans to the Plan Review department at the Department of Permitting, Inspection Enforcement located at 9400 Peppercorn Place in Largo Maryland 20774 for the any food service facility within the Elderly Care Facility. In addition the applicant should submit an application for a Health Department Food Service Facility permit in accordance with the Prince George's county subtitle 12 and COMAR 10.15.03.
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.



Angela Alsobrooks  
County Executive

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)

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).



**MEMORANDUM**

DATE: December 3, 2020

TO: Jeremy Hurlbutt, Master Planner  
Urban Design Section  
Development Review Division  
Department of Parks and Recreation

VIA: Paul Sun, Land Acquisition Specialist *PJS*  
Park Planning and Development Division  
Department of Parks and Recreation

FROM: Edward Holley, Principal Planning Technician *EDH*  
Park Planning and Development Division  
Department of Parks and Recreation

SUBJECT: **DSP-20014 – Harmony at Brandywine**

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The staff of the Department of Parks and Recreation (DPR) has reviewed the subject Detailed Site Plan (DSP-20014) application for conformance to Conceptual Site Plan (CSP) 17003 and Preliminary Plan of Subdivision (PPS) 4-18028 conditions, as they pertain to public parks and recreation.

This application is for the first phase of the development and will consist of an elderly care facility. Conditions #15-17 of PPS 4-18028 provided the requirements for accepting on-site recreational facilities to meet the requirements of Mandatory Dedication of Parkland. Additionally, the DPR finds that this DSP has no impact on any existing or future public parks in this area.

COMMISSIONERS  
Howard A. Denis, Chair  
Keith E. Bell, Vice Chair  
Fausto R. Bayonet  
T. Eloise Foster  
Chris Lawson  
Sandra L. Thompson

GENERAL MANAGER  
Carla A. Reid



October 22, 2020

Smith/Packett Med-Com, LLC.  
4423 Pheasant Ridge Road, Suite 301  
Roanoke, VA 24014

Re: Letter of Findings, WSSC Project No. DA6955Z20, Harmony at Brandywine.

Dear Aubury Holmes:

A hydraulic planning analysis has been completed on project. The project has been conceptually approved. Please refer to the enclosed 200'-scale sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

<b>HYDRAULIC SUMMARY TABLE</b>	
Proposed Development: 195 apartments	
200'-ft Sheet: 216SE07	
<b>SEWER</b>	<b>WATER</b>
WWTP Service Area: Piscataway	Hydraulic Zone Group: Prince George's High
Mini-Basin Number: 019	Pressure Zone: 385B
	High Grade: 385 feet
	Low Grade: 328 feet



The following is a list of conditions that apply to this project and must be met before a Systems Extension Permit (SEP) will be issued

**SERVICE CATEGORY CHANGE REQUIRED**

Design plans cannot be signed until a property is designated as water and sewer service categories 3 or less. If this property is in a service category greater than 3, contact the Prince George's County Department of Permitting, Inspections & Enforcement (DPIE) at 301-636-2060 / Montgomery County Department of Environmental Protection at 240-777-7716 for more information on changing a property's category.

**MANDATORY REFERRAL PROCESS**

This project may be subject to the Maryland-National Capital Park and Planning Commission's Mandatory Referral Program, depending on its planned water / sewer infrastructures and associated appurtenances. It is the Applicant's responsibility to contact the appropriate County's Department of Park and Planning for specific guidance and their standards for Mandatory Referral Review. During Phase 2 Design Review, WSSC must be notified, if the project is subject to the Mandatory Referral Process.

**CORROSION CONTROL**

Based on a review of this site, it appears that sources of stray current may be present within 2,000 feet of this site. In accordance with the requirements of the latest WSSC Pipeline Design Manual Part 3 Section 28, the Form "B" Corrosion Documentation will be required to be submitted as part of the design and cathodic protection may be required for this project. If you would like to discuss the corrosion control requirements for this site or locations of testing prior to the submission of the design plans, please contact Mark Lanham within the Engineering and Environmental Services Division at 301-206-8573.

***SANITARY SEWER CONDITIONS***

**REQUIRED SANITARY SEWER MAIN SIZES**

All sewer shall be 8-inch diameter gravity sewer.

**EXTRA-DEPTH SEWER**

Due to the topography / grade of the street, it will be necessary to construct extra-deep sewer ranging from 10 to 23 feet. See the latest WSSC Pipeline Design Manual, Section C-2.2, for easement width requirements for deep sewers. Any pipe deeper than 20 feet (trench bottom) will require a special design that takes into consideration future maintenance of the deep sewer.

**SHOW MINIBASIN BOUNDARY ON DESIGN PLANS**

This project will be served by an abutting sewer system minibasin. Design plans that encompass more than 1 minibasin should indicate the boundary as shown on the attached sketch.

## ***WATER MAIN EXTENSION CONDITIONS***

Due to low hydraulic pressures in the area, a water loop is required at the intersection of Branch Avenue and Crestwood Avenue. Connect the existing 42" DIP Water main running parallel to Branch Avenue to the existing 12" DIP water main running parallel to Crestwood Avenue with a new 12" water main extension as shown on the sketch.

### LARGE DIAMETER WATER MAINS IN THE VICINITY

There is a 42-inch diameter water main located in the vicinity of this project. WSSC records indicate that the pipe material is Ductile Iron (DI).

Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. **The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.** Results of the test pit findings must be accurately depicted on ALL Phase 2 plan submittals and support documents.

Construction of an *occupied space* within short distances from an existing WSSC large diameter pipeline (30-inch and larger) bears the risk of endangering public safety. The most serious risks are posed to *occupied spaces* near large diameter Pre-stressed Concrete Cylinder Pipes (PCCP). During design phase, it is recommended to assess public safety risks and the operation and maintenance of large diameter mains prior to placing an *occupied space* near a WSSC large diameter pipeline. The WSSC can provide information on the pipeline and discuss potential design considerations upon request. For minimum horizontal separation requirements, see Part Three, Section 3, starting on page C-3.2, of the latest WSSC Pipeline Design Manual.

Please refer to the latest WSSC Pipeline Design Manual, Part 3, Section 11, Loading Analysis, for additional general information and guidance.

### WATER AVAILABLE

#### REQUIRED WATER MAIN SIZES

The diameters of the proposed mains, **12 inches**, are shown on the attached sketch.

### ISOLATION VALVES

Provide sufficient numbers of isolation valves on new mains to provide redundancy. Isolation valves are required on existing public mains when a proposed main connects to an existing public main. Keep valves *Open*. Numbers and exact location of valves will be determined during the Design phase.

### OUTSIDE METERS

Any residential water service over 300 feet in length will require an outside meter. For commercial water service connections, built to serve a standard or minor site utility (on-site) system over 80 feet in length, WSSC would prefer an outside meter in a vault, however an indoor meter may be allowed under certain conditions.

## USE OF MASTER METERS FOR RESIDENTIAL UNITS IN PRINCE GEORGE'S COUNTY

Pursuant to HB218, which was enacted June 1, 2018, condominium or cooperative ownership property projects located in Prince George's County may not be served by a master meter for billing purposes. Each unit shall be provided with a separate billing meter. Any SU, MSU, SEP or Plumbing Plan that has not been submitted prior to this date is required to follow the new law, unless it is associated with a grandfathered HPA or SEP project. See the 2019 WSSC PLUMBING & FUEL GAS CODE for more information.

## ***EASEMENT CONDITIONS***

### GENERAL

WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

### PRIVATE STREET & ALLEY EASEMENT REQUIREMENTS

Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private streets and alleys, then the following criteria must be met:

- All separation requirements in the latest WSSC Pipeline Design Manual (PDM) must be met.
- A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street and/or alley or space within the private street will be provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines.
- Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel.
- Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains.
- The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.

### COORDINATION WITH OTHER BURIED UTILITIES

Refer to the latest WSSC Pipeline Design Manual Pages G-1 and G-2 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC easement unless specifically approved by WSSC. Longitudinal occupancy of WSSC easements (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or easements that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at the design plan review phase. Refer to the latest WSSC Pipeline Design Manual Part Three, Section 3.

Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.

The applicant must provide a separate "Utility Plan" to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and easements. Upon completion of the site construction, any utilities that are found to be located within WSSC's easements (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.

#### IMPACTS DUE TO GRADING / PIPE LOADING CHANGES

Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC easement requires **advance approval** by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street easement requires WSSC approval directly on the original GEP **prior to** approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation, or abandonment) of existing WSSC facilities is done at the sole expense of the applicant / builder / developer. For Relocations work associated with a Systems Extension Project or a Site Utility Project, contact the Development Services Division. Please arrange for this review before plan submittal. See WSSC Design Manual C-11.

#### PROVIDE FREE EASEMENT TO WSSC

Easements across your property for water and sewer line placement must be provided at no cost to the WSSC. Also, an easement and construction easement across your property for future WSSC water / sewer line placement, as shown on the attached sketch, must be provided at no cost to WSSC. The Applicant shall execute and deliver on-property easements prior to plan approval in accordance with the Development Services Code, which shall constitute an irrevocable offer by the Applicant to convey all on-property easements to WSSC.

#### ADHERE TO MINIMUM EASEMENT WIDTHS

The minimum easement width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum easement width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same easement at normal depth. Installation of deep or large water and/ or sewer mains will require additional easement width. For minimum horizontal separation between a building and a WSSC pipeline, refer to the requirements in the latest WSSC Pipeline Design Manual, Part Three, Section 3.c.2. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the easement.

Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline / structures and other utilities.

## ***CONNECTION AND SITE UTILITY CONDITIONS***

### **SITE UTILITY PROCESS REQUIRED**

The Site Utility process is usually required for water lines greater than 2 inches in diameter or sewer lines greater than 4 inches. Contact Permit Services at 301-206-8650 or at [www.wsscwater.com](http://www.wsscwater.com) for more information on electronic submittal of Site Utility plans.

The next step in the process is Phase 2, Review for System Integrity. Contact Permit Services at 301-206-8650 or at [www.wsscwater.com](http://www.wsscwater.com) for more information on electronic submittal of System Integrity Review Packages. Should you wish to schedule a pre-design meeting, please contact Bryan Hall at (301) 206-8769 or [Bryan.Hall@wsscwater.com](mailto:Bryan.Hall@wsscwater.com).

This Letter of Findings will expire if no “actions” are taken by the applicant over the 3-year period following the date of this letter. For definition of “actions”, see the latest Development Services Code, Section 405.1.1.

If you have any questions or concerns, please feel free to contact me at 301-206-8769 or [Bryan.Hall@wsscwater.com](mailto:Bryan.Hall@wsscwater.com).

Sincerely,



Bryan Hall  
Project Manager  
Development Services Division

Enclosure: 200'-scale sketch

cc: Matt Snyder, P.E. - Dewberry  
Mr. Tom Gingrich ([tom.gingrich@wsscwater.com](mailto:tom.gingrich@wsscwater.com)) - Development Design Section Manager  
Ms. Shirley Branch ([sabran@co.pg.md.us](mailto:sabran@co.pg.md.us)) - Department of Permitting, Inspections & Enforcement (DPIE)







**1 - -WSSC Plan review comments**

Created by: Dagoberto Beltran  
On: 11/06/2020 01:56 PM

Plan # DSP-20014  
12301 Branch Avenue

----- 0 Replies -----

**2 - - WSSC Standard Comments for all plans**

Created by: Dagoberto Beltran  
On: 11/06/2020 01:58 PM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
  - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
  - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
  - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
  - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
  - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
  - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
  - g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at <https://www.wsscwater.com/business--construction/developmentconstruction-services.html> for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

----- 0 Replies -----

**3 - PLAN REVIEW COMMENTS**

Created by: Rufus Leeth  
On: 11/09/2020 08:33 AM

## DESIGN COMMENTS:

### WATER & SEWER

Water and sewer is currently not available to serve the site. Water and sewer mainline extensions are required to provide service to the proposed development.

### SITE UTILITY

OUTSIDE METERS - 3-inch and larger meter settings shall be furnished and installed by the utility contractor in an outside meter vault. Show and label vault and required WSSC easement. WSSC prefers an outside meter in a vault, however and indoor meter may be allowed under certain conditions. See WSSC 2019 Plumbing & Fuel Gas Code 111.5.7 & 603.4.1

### GENERAL

WSSC has ongoing system improvement program in the project vicinity. The Applicant must coordinate with WSSC Pipeline Design Division at 301-20-8577.

Submit an Excavation Support System Plan (ESS) to WSSC for review if your project involves subsurface features such as an underground parking garage or a deep excavation which will require tiebacks in the area of existing or proposed WSSC mains. This ESS Plan submission should be made at the time of Design Plan Submission. If, however, the excavation support work will be done before the Design Plan Submission, it will be necessary to submit the plan as a Non-DR Plan to WSSC. No work should be done in the vicinity of WSSC mains until the ESS Plans have been reviewed by WSSC. If no ESS Plans are required for the project, the engineer should provide a letter from the Project Structural Engineer certifying that the building does not require it.

A proposed site development project was previously submitted to WSSC (DA6955Z20) and is a conceptually approved project.

Any grading change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment of existing WSSC facilities) is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. See WSSC 2017 Pipeline Design Manual, Part Three, Section 5 & Section 11.

WSSC facilities/structures cannot be located with a public utility easement (PUE) however WSSC pipelines may cross over a PUE. Revise the plan to relocate any pipeline, valve, fire hydrant, meter vault and any other WSSC facilities/structures outside of the PUE.

## HYDRAULICS COMMENTS:

### GENERAL

See the attached Letter of Findings for existing WSSC project number DA6955Z20.

Site Utility System reviews are required for projects with proposed water connections greater



than 2-inch or sewer connections greater than 4-inch. Contact the WSSC Permit Services Unit on (301) 206-8650 for submittal requirements or view our website.

SERVICE CATEGORY

0Projects in Service Category W-4 and/or S-4 can have complete Hydraulic Planning Analysis performed, however the design plans cannot be approved until the property is designated W-3 and/or S-3.

----- 0 Replies -----

Countywide Planning Division  
Environmental Planning Section

301-952-3650

December 10, 2020

**MEMORANDUM**

TO: Jeremy Hurlbutt, Master Planner, Urban Design Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, CWPD *MR*

FROM: Chuck Schneider, Planner Coordinator, Environmental Planning Section, CWPD ACS

SUBJECT: Harmony at Brandywine (a Phase of Branch Avenue M-X-T),  
DSP-20014 and TCP2-036-2020

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan DSP-20014 and a Type 2 Tree Conservation Plan (TCP2-036-2020) stamped as received on October 20, 2020. Comments were provided in a Subdivision Development Review Committee (SDRC) meeting on November 13, 2020. Revised plans were received on December 3, 2020.

The Environmental Planning Section recommends approval of DSP-20014 and TCP2-036-2020 based on the conditions listed at the end of this memorandum.

**Background**

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-120-2017	N/A	Staff	Approved	7/24/2017	N/A
NRI-120-2017-01	N/A	Staff	Approved	8/30/2018	N/A
CSP-17003	TCP1-008-2018	Planning Board	Approved	10/11/2018	18-98
4-18028	TCP1-008-2018-01	Planning Board	Approved	10/3/2019	19-115
DSP-20014	TCP2-036-2020	Planning Board	Pending	Pending	Pending

The previous reviews of the site included a triangle shaped parcel (Parcel 1 of Part 1 and Liber 39313/Folio 573), also owned by the same owner, east of the site across Branch Avenue. This parcel has been included on the overall TCP2 and woodland conservation worksheet as a separate phase of the overall Branch Avenue M-X-T subdivision but is not included in this Harmony at Brandywine DSP application.

**Proposed Activity**

The applicant is requesting approval of a Detailed Site Plan and Type 2 Tree Conservation Plan (TCP2-036-2020) for the construction of an assisted living facility. This DSP is for the assisted living

facility portion of the overall Branch Avenue M-X-T project area.

### **Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application has a recently approved preliminary plan of subdivision.

### **Review of Previously Approved Conditions**

The following text addresses previously approved applicable environmental conditions that need to be addressed with this application. The text in **bold** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

Conceptual Site Plan CSP-17003 was approved by the Planning Board on October 11, 2017. The conditions of approval can be found in PGCPB No. 18-98.

1. **Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:**
  - b. **Revise the Natural Resource Inventory Plan to reflect existing conditions on the CSP and TCP1, to be reviewed and approved by the Environmental Planning Section as the designee of the Planning Board.**

The Natural Resource Inventory Plan was revised, and the conditions have been met.

- e. **Revise the Type 1 tree conservation plan (TCP1), as follows:**
  - (1) **Add "TCP1-008-2018" to the approval block and to Line 6 of the worksheet.**
  - (2) **Add "(MD 381)" after Brandywine Road in TCP Note 8, and correct "(Rte. 5)" to state "(MD 5)" in General Note 9.**
  - (3) **Provide the Stream Buffer layer on the plan.**
  - (4) **Correct the match line reference at the top of sheet 5 to refer to sheet 4.**
  - (5) **Correct the unmitigated noise line nomenclature to "dBA."**
  - (6) **Identify the steep slopes on the plan with shading per the standard symbols found in the Environmental Technical Manual (ETM).**
  - (7) **Provide a tabulation chart for the Woodland Preservation Areas (WPA) represented on the plan, summing the total areas to the to match the proposed Woodland Preservation on the worksheet. As shown, a**

**summation of the areas presented total 18.47 acres, which is 2.79 acres less than represented on the worksheet.**

- (8) Provide a separate tabulation chart for the Woodland Preserved – Not Credited (WP-NC) areas. Note that the WP- NC cannot count toward Woodland Preservation on the worksheet.**
- (9) Remove the multiple “Clear A: 53.59 ac” references on the plan. Clearing should be represented by the individual areas to be cleared, with a tabulation chart summing the areas to the total.**
- (10) Provide an Owners Awareness Certification on the plan.**
- (11) Have the revised plan signed and dated by the qualified professional preparing the plan.**

All conditions were met prior to the signature approval of the Type 1 Tree Conservation Plan.

**Preliminary Plan of Subdivision 4-18028 was approved by the Planning Board on October 2, 2019. The conditions of approval can be found in PGCPB No. 19-115.**

- 9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised, as follows:**
  - a. Remove “previous approved for removal” column on the specimen tree table.**
  - b. Revise the woodland conservation worksheet to show the corrected net tract woodland total (69.46 acres).**
  - c. Have the revised plan signed and dated by the qualified professional preparing the plan.**
- 10. Prior to signature approval of the preliminary plan of subdivision, the following note shall be placed on the Type 1 tree conservation plan, which reflects this approval, directly under the woodland conservation worksheet:**

**“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of four specimen trees (Section 25-122(b)(1)(G), ST-1, a 30-inch Tulip Poplar, ST-2, a 33-inch White Oak, ST-5, a 30-inch Red Oak, and ST-8, a 42-inch American Beech.”**

All conditions were met prior to the signature approval of the Type 1 Tree Conservation Plan.

- 11. Prior to the issuance of permits for this subdivision, a Type 2 Tree Conservation Plan shall be approved. The following note shall be placed on the final plat of subdivision:**

**“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”**

- 12. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-008-2018-01). The following notes shall be placed on the final plat of subdivision:**

**“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-2018-01), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”**

These conditions will be met at the time of final plat.

### **Environmental Review**

#### **Natural Resource Inventory Plan/Existing Features**

A Natural Resource Inventory, NRI-120-2017-01, was provided with this application. The TCP2 and the detailed site plan show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

#### **Woodland Conservation**

This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has previously approved Tree Conservation Plans. A Type 2 Tree Conservation Plan (TCP2-036-2020) was submitted with the detailed site plan application.

This DSP application is for Phase 1 of the overall development and for off-site improvements for this phase. As required, the TCP2 shows the limits of the overall 74.85-acre project. Based on the TCP2, this 9.01-acre Phase 1 contains 9.00 acres of net tract woodland and has a woodland conservation threshold of 1.35 acres (15 percent). The Woodland Conservation worksheet shows the clearing of 7.39 acres in the net tract area, 0.00 acre in the floodplain, and 0.49 acres off-site, resulting in a woodland conservation requirement of 13.13 acres for the phase. The TCP2 worksheet indicates the requirement for this phase is proposed to be met with 1.61 acres of on-site woodland preservation and 11.52 acres of off-site woodland conservation credits. The requirements for the overall site are 13.13 acres. No specimen trees will be removed in Phase 1 of this subdivision.

A minor change is required to the TCP2 which is included in the recommended conditions listed at the end of the memorandum.

## **Specimen 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 in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

The Harmony at Brandywine DSP contains 9.01 acres of the overall 74.85-acre Branch Avenue M-X-T project area and this phase does not contain any on-site specimen trees.

## **Preservation of Regulated Environmental Features/Primary Management Area**

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: “The Planning Board may approve a Detailed Site Plan if it finds that the Regulated Environmental Features (REF) have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).”

This site contains REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Ordinance. The on-site REF includes 75-foot stream buffer and steep slopes.

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

The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to REFs must first be avoided and then minimized. The statement of justification must address how each on-site impact has been avoided and/or minimized.

The site contains REF. According to the TCP2, impacts to the PMA are proposed for emergency access (impact 4), grading during access construction (Impacts 1 and 3), and one stormwater management outfall on a road crossing (Impact 2). A Statement Of Justification (SOJ) was received with the revised application dated May 12, 2020 for the proposed impacts to the PMA (stream buffer and steep slopes). The impact numbers from the SOJ have been rounded to the required 1/10<sup>th</sup> of an acre for this memo.

### **Statement of Justification**

The Statement of Justification includes a request for four separate PMA impacts totaling 5,879 square feet (0.13 acres) of impacts proposed to the stream buffer and steep slopes.

### **Analysis of Impacts**

Based on the statement of justification, the applicant is requesting a total of four impacts listed, then described below:

Impact 1: PMA impacts totaling 87 square feet for the grading and construction on steep slopes for a rear building access drive. The construction impacts are being minimized but are needed as part of the Prince George's County Fire Marshall recommendation to have flat areas around the building for emergency access. This impact is also proposed to allow the construction equipment safe access when grading the existing steep contours. The impacts are to the steep slopes.

Impact 2: PMA impacts totaling 1,160 square feet for the construction of one stormwater management outfall structure. The impacts are to the 75-foot stream buffer.

Impact 3: PMA impacts totaling 313 square feet for the grading and construction on steep slopes for a rear building access drive. The construction impacts are being minimized but are needed as part of the Prince George's County Fire Marshall recommendation to have flat areas around the building for emergency access. This impact is also proposed to allow the construction equipment safe access when grading the existing steep contours. The impacts are to the 75-foot stream buffer and steep slopes.

Impact 4: PMA impacts totaling 4,319 square feet for the grading and construction on steep slopes for emergency access to the on-site building. The County Fire Marshall recommended flat areas around the building for emergency access. To create these safe flat areas the adjacent steep contours were impacted. Slopes are proposed at a 2:1 ratio to tie back into existing contours. The impacts are too steep slopes and a 75-foot stream buffer.

### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey (WSS) are the Beltsville silt loam (0 to 5 percent), the Croom-Marr complexes, Sassafras complexes, Udorthents soils, and Widewater and Issue soils. Marlboro clay and Christiana complexes are not found on or near this property.

### **Stormwater Management**

A Stormwater Management Concept Approval Letter (# 60393-2017-00) and associated plans were submitted with the application for this site. This approval was issued for the entire Branch Avenue M-X-T project area on August 22, 2018, from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to construct grass swales, micro-bioretenention ponds and submerged gravel wetland structures. A stormwater management fee of \$102,250.00 for



on-site attenuation/quality control measures are required. This stormwater approval expires August 22, 2021.

No further action regarding stormwater management (SWM) is required with this Conceptual Site Plan review.

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

The Environmental Planning Section recommends approval of DSP-20014 and TCP2-036-2020 subject to the following findings and conditions.

#### **Recommended Findings:**

1. No specimen trees in Phase 1 of the project are proposed for removal.
2. Based on the level of design information currently available and the limits of disturbance shown on the TCP2, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The impacts necessary for emergency access, grading during access construction, and one stormwater management outfall are necessary for the orderly and efficient development of the subject property.

#### **Recommended Conditions:**

1. Prior to signature approval of the detailed site plan the TCP2 shall be revised as follows:
  - a. Increase the size of the TCP2 approval box to a legible size.
  - b. Revise Sheet 3 of 4 to label Crestwood Road South.
  - c. Revise Sheet 3 of 4 to add another "Shady Oak Parkway" label to the adjacent match line section.
  - d. Revise Sheet 3 of 4 to label the Branch Avenue M-X-T triangle property on the east side of Branch Avenue. The parcel is shown with a line symbol but needs an explanation text of ownership.
  - e. Revise Sheet 3 of 4 to label existing house on the plan view.
  - f. Add the standard off-site woodland credits note to the plan per the Environmental Technical Manual. Have the revised plan signed and dated by the qualified professional preparing the plan.
2. Prior to the certification of the TCP2 for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section (EPS) for review by the Office of law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_.  
Revisions to this TCP2 may require a revision to the recorded easement."

Harmony at Brandywine  
(a Phase of Branch Avenue M-X-T)  
DSP-20014 and TCP2-036-2020  
December 10, 2020  
Page 8

If you have any questions, please contact Chuck Schneider by email at [Alwin.Schneider@ppd.mncppc.org](mailto:Alwin.Schneider@ppd.mncppc.org) or call 301-952-4534.

# **Additional Back-up**

**For**

## **Detailed Site Plan DSP-20014 Harmony At Brandywine**

**APPLICANT'S PROPOSED REVISIONS**  
**DETAILED SITE PLAN DSP-20014**  
**PLANNING BOARD AGENDA JANUARY 7, 2021**

**RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20014 and Type 2 Tree Conservation Plan TCP2-036-2020, Harmony at Brandywine subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
  - a. Revise General Note 9 to provide the correct tax map and grid designations as Grids E-3 and F-3.
  - ~~b. Revise the right of way dedication shown along the site frontage of MD 5 to reflect the dedication area approved in Preliminary Plan of Subdivision 4-18028. Adjust all other notes and plan features as necessary to remove this area from the development.~~
  - c. General Note 15 should be revised to correctly state how the mandatory park dedication requirement is being met.
  - d. Revise the provided red boundary line to only include Parcel WW, the subject of this application.
  - e. Provide landscaping at the base of the freestanding sign to provide seasonal interest.
  - f. Provide a standard minimum five-foot-wide sidewalk, and associated crosswalks and Americans with Disabilities Act curbs ramps, along the service road to connect the subject site and the adjacent parcel to the north, unless modified by the Maryland Department of Transportation State Highway Administration (SHA) with written correspondence. Provide a sidewalk connecting to the building entrance from the service road ~~sidewalk, unless the service road sidewalk, required above, is modified by SHA to be completely removed.~~
  - g. Revise the Tree Canopy Coverage worksheet on the Landscape Plan to show the correct site area and demonstrate the required coverage is provided on this site.
  - h. Provide details and note the type of screening for the generator at the rear of the property to conform to Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

- i. Note the total floor area ratio proposed with regard to the overall conceptual site plan on the cover sheet of the DSP.
  - j. Revise the Type 2 tree conservation plan (TCP2) as follows:
    - (1) Increase the size of the TCP2 approval box to a legible size.
    - (2) Revise Sheet 3 of 4 to label Crestwood Road South.
    - (3) Revise Sheet 3 of 4 to add another “Shady Oak Parkway” label to the adjacent match line section.
    - (4) Revise Sheet 3 of 4 to label the Branch Avenue M-X-T triangle property on the east side of Branch Avenue. The parcel is shown with a line symbol but needs an explanation text of ownership.
    - (5) Revise Sheet 3 of 4 to label existing house on the plan view.
    - (6) Add the standard off-site woodland credits note to the plan per the Environmental Technical Manual. Have the revised plan signed and dated by the qualified professional preparing the plan.
    - (7) Documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_\_ Folio\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
2. Prior to issuance of the final certificate of occupancy of the building, the applicant shall demonstrate that all on-site recreational facilities have been fully constructed and are operational.