



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>

Basic Plan Amendment

The Villages at Timothy Branch

A-9988-01

REQUEST	STAFF RECOMMENDATION
Amendment to an approved Basic Plan, pursuant to Section 27-197(c), to remove non-residential land uses and expand active adult use.	APPROVAL with conditions

Location: On the south side of Brandywine Road, in the east and western quadrants of its intersection with Mattawoman Drive.	
Gross Acreage:	72.43
Zone:	L-A-C/M-I-O
Gross Floor Area:	N/A
Lots/Dwelling Units:	180-480 DUs
Parcels:	0
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	218SE07 & 218SE08
Applicant/Address: Timothy Brandywine Investments One LLC 2124 Priest Bridge Drive, Suite 18 Crofton, MD 21114	
Staff Reviewer: Whitney Chellis Phone Number: 301-952-3994 Email: Whitney.Chellis@ppd.mncppc.org	



Planning Board Date:	06/11/2020
Planning Board Action Limit:	06/13/2020
Mandatory Action Timeframe:	60 days
Staff Report Date:	05/20/2020
Date Accepted:	04/14/2020
Informational Mailing:	01/21/2020
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

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/. Please call 301-952-3530 for additional information.

May 20, 2020

REFERRAL MEMORANDUM

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Whitney Chellis, Supervisor, Development Review Division
Development Review Division

SUBJECT: **Referral for Amendment to Basic Plan A-9988-01**
The Villages at Timothy Branch

REQUEST

This application for an amendment to the approved basic plan (A-9988-01) was accepted on April 14, 2020 and filed, pursuant to Section 27-197(c) of the Prince George's County Zoning Ordinance. The request does not involve a change in the land area, or an increase in the land use density or intensity of the original approval. The property, which is the subject of this application, is zoned Local Activity Center (L-A-C) and is 72.43 acres. The property is located on the south side of Brandywine Road, in the east and western quadrants of its intersection with Mattawoman Drive.

The District Council approval of the basic plan, as set forth in Zoning Ordinance 17-2008, rezoned the property from the Employment and Institutional Area (E-I-A) and Planned Industrial/Employment Park (I-3) Zones to the Local Activity Center (L-A-C) Zone. The approval included a mix of commercial, industrial, retail, and residential land uses. This proposed amendment is for the expansion of the previously approved "active adult" residential land use and the removal of all non-residential uses. The previously approved density range is 10 to 15 dwelling units per gross residential acre. The proposed amendment reduces the density range to 2.8 to 7.5 dwelling units per gross acre, an overall reduction in residential density per acre of 50 percent.

A portion of the 72.43-acre site is located within the Military Installation Overlay Zone (M-I-O-Z), Noise Intensity Zone, which establishes protections for residential land uses. Appropriate conditions will be recommended in future phases of development to ensure interior noise levels of all residential buildings are consistent with the M-I-O-Z regulations (Section 27-548.55(b) of the Zoning Ordinance), which should be noted on the basic plan.

On behalf of the applicant, Matthew C. Tedesco, Esq. filed a Statement of Justification (SOJ) in support of the application. The applicant then filed an amendment to the SOJ dated May 13, 2020, in accordance with Section 27-181(a)(1) of the Zoning Ordinance, to amend the application. The request simply clarifies the dwelling unit types proposed for the “active adult” community, a use that was included in the original basic plan and stated in the District Council Order (Zoning Ordinance 17-2008) of approval. The dwelling unit types proposed include one-family detached, one-family attached (townhouses), single-family semidetached (duplexes), and multifamily.

Land Use

The District Council approval of the basic plan identified the residential land use as “active adult”. The applicant’s amendment expands that land use over the entire 72.43-acre property, while removing all non-residential uses. The stated land use of “active adult” is not a use provided in Subtitle 27, nor is it a use listed in the L-A-C Zone use table (Section 27-515(b) of the Zoning Ordinance). The analysis, therefore, would be subject to the standards for conventional dwelling unit types, with the “active adult” use having no statutory basis. However, a Mixed Retirement Development is a permitted use in the L-A-C Zone and is subject to additional requirements regarding density calculations (Section 27-486(b) of the Zoning Ordinance) and restrictive covenants in accordance with the State and Federal Fair Housing laws (Section 27-515(b), Footnote 28).

Multifamily, single-family detached, and two-family (duplex) dwelling units are permitted, as proposed by the applicant, under a conventional development scheme in the L-A-C Zone (Section 27-515(b)). Townhouse dwelling units are not permitted. Staff would note however, that in a Mixed Retirement Development, as defined by Section 27-101(a)(151) of the Zoning Ordinance, all the dwelling unit types proposed by the applicant are permitted.

Prior to approval, the applicant should clarify the land use consistent with Subtitle 27 for the purpose of analyzing the required findings for approval of Section 27-195(b) of the Zoning Ordinance, and the applicability of the development restrictions of Sections 27-486(b) and 27-515(b), Footnote 28.

Density

The basic plan approval indicated a net tract area of 64 acres based on 8+ acres of 100-year floodplain. However, the density is determined based on the gross tract area in the L-A-C Zone, and then further modified for Mixed Retirement Development. The original District Council approval established a density range of 10 to 15 dwelling units per net acre, resulting in an allowable dwelling unit range of 640–960, and 305,000 to 370,000 square feet of commercial, retail, and employment uses in this Brandywine Community Center area. With this amendment, the applicant is proposing an “active adult” community with 2.8 to 7.5 dwelling units per net acre, resulting in a dwelling unit range of 180–480, a 50 percent reduction in the density previously approved.

The L-A-C Zone has a base and maximum residential density for conventional development of 10 to 20 dwelling units per gross acre, and a maximum Mixed Retirement Development density of 8 dwelling units per gross acre. The density proposed by the applicant is more consistent with the density standards for the Mixed Retirement Development in the L-A-C Zone. If the applicant is not proposing a Mixed Retirement Development, the density is more consistent with the Residential Suburban and Residential Medium (R-M) Zones. In this case, the R-M Zone may be the most appropriate zone due to the surrounding zoning, including Mixed Use-Transportation Oriented (M-X-T) and R-M. Given the market changes, as indicated by the applicant in the SOJ, the L-A-C Zone

may no longer be appropriate in this area, as the non-residential uses are tending towards the existing Brandywine Shopping Center, located in the Commercial Shopping Center (C-S-C) Zone to the south, and the proposed Stephen's Crossing retail area zoned M-X-T to the north, along Mattawoman Drive. As stated in the applicant's SOJ, the L-A-C commercial/retail land uses previously approved with this basic plan are likely to draw away from the nearby M-X-T and C-S-C zoned areas, where non-residential intensity is desired. As stated by the applicant, the regulations for the L-A-C Zone do not require non-residential land uses, but the densities proposed by the applicant are far lower than the base densities for conventional residential in the L-A-C Zone. Staff recommends that the applicant clarify the land use consistent with the land uses of the Zoning Ordinance. The applicant is proposing densities consistent with the Mixed Retirement Development land use in the L-A-C Zone, which has a maximum density of eight dwelling units per gross acre, although further adjusted, pursuant to Section 27-486(b).

Required Findings

The following analysis is based on the referrals received and the SOJ submitted by the applicant, which are adopted herein by reference, to address the required findings for approval, in accordance with Section 27-195(b):

Master Plan Analysis (Section 27-195(b)(1)(A))

While the applicant did not specify in the SOJ if their analysis was specific to Section 27-195(b)(1)(A)(i) or (ii), staff believes that the proposed amendment is consistent with the required findings of (i). The proposed land use is generally consistent with the principles and guidelines of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035), although the densities recommended in Plan 2035 sets a goal for Average Net Housing Density for New Development in the Brandywine Town Center (Local) at 10 to 60 dwelling units per acre.

As described in the applicant's SOJ, the physical development of the property will build on the synergy envisioned with the development of the Villages of Timothy Branch R-M zoned portion of the property, the surrounding mixed use commercial, and the development of the Southern Area Aquatics and Recreation Center at 13601 Missouri Avenue.

The environmental impacts are envisioned to be within the previously approved development envelope consistent with existing approvals, including Comprehensive Design Plan CDP-0901 and Preliminary Plan of Subdivision PPS 4-09003, as may be modified to accommodate a sole residential land use, with a reduction in the intensity and densities of the original approval. The public facilities are adequate with conditions, as set forth in the Countywide Planning Division referral dated May 15, 2020 (Thompson to Conner), and the impacts and compatibility of surrounding developments are addressed in the original conditions of approval of the basic plan, which are recommended to be brought forward with this amendment.

Master Plan Analysis is contained in the Community Planning Division's referral dated May 14, 2020 (Greene to Conner), and finds that the applicant's proposed amendment is not inconsistent with the guidance and policies of Plan 2035 and the 2010 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.

Economic Analysis (Section 27-195(b)(1)(B))

This analysis is not required because the applicant is not proposing retail, or commercial uses.

Transportation Facilities (Section 27-195(b)(1)(C))

The Transportation Planning Section referral dated May 15, 2020 (Masog to Conner), found that the uses currently proposed will result in fewer trips in each peak hour than the currently approved mix of uses. Based on the decrease in the density and traffic intensity of development from the original basic plan, the development will generate less traffic than was projected with the approval of the original basic plan, CDP-0901, and PPS 4-09003. Staff finds that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic, which would lower the level of service anticipated by the land use and circulation systems shown on the approved Area Master Plan, in accordance with Section 27-195(b)(1)(c) of the Prince George's County Code.

Staff recommends, based on a “senior adult housing land use”, the removal of Condition 2 of the District Council Order (Zoning Ordinance No. 17-2008) as no longer necessary to support transportation adequacy. This recommendation may change if this site is developed under a conventional development scenario.

The traffic analysis was based on “senior adult housing”, another use which has no statutory footing in the L-A-C Zone. If the land use is not Mixed Retirement Development, or some other permitted adult housing type, and is in fact being developed under a conventional development scenario, a supplemental traffic analysis should be submitted by the applicant prior to final approval.

Staff recommends that the applicant provide this clarification to the Zoning Hearing Examiner and supplement the analysis if necessary, prior to approval where a determination may be made if Condition 2 is no longer necessary.

Other Public Facilities (Section 27-195(b)(1)(D))

Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities to ensure that the development will be adequately served. The Countywide Planning Section referral dated May 15, 2020 (Thompson to Conner), finds that adequate public facilities will be provided, including water and sewer, fire, rescue, recreation, schools, and police, with conditions.

At the time of basic plan approval, the number of dwelling units are proposed and approved in a range, which will be refined in terms of the actual number of dwelling units, at the time of CDP amendment and PPS. Appropriate conditions will be recommended to mitigate failing response times, consistent with the adequacy test of Subtitle 24, when the actual number of dwelling units is determined, if necessary.

Environmental Relationship (Section 27-195(b)(1)(E))

As set forth in the applicant’s SOJ and the Environmental Planning Section referral dated May 18, 2020 (Finch to Conner), the environmental impacts are envisioned to be within the limits of the previously approved development envelopes of the applicable Comprehensive Design Plan (CDP-0901, PGCPB Resolution No. 10-111) and Preliminary Plan of Subdivision (PPS 4-09003, PGCPB Resolution No. 10-117(A)). The impacts on surrounding land uses will be lessened with the conversion to a residential land use, while impacts from abutting non-residential land uses will be evaluated further with the amendment to the CDP.

Appropriate conditions and consideration exist in the original approval to ensure this analysis is done at later stages of development. Staff is recommending that the previously approved conditions and consideration be brought forward with the subject application, as discussed further in this referral.

The requested change in use will not result in a change to the Woodland Conservation Threshold, which is currently 15 percent, and there is an approved Type 1 and Type 2 tree conservation plan and on the overall Timothy Branch development. All future applications will require a tree conservation plan covering the land area included in the application, in accordance with the current regulations.

Brandywine Road (MD 381), which borders the site on the north, is a designated historic road. Appropriate buffering for special roadways, consistent with the requirements established by CDP-0901 for this L-A-C portion of the site, should be maintained on future development applications. Matapeake Drive is a Master Plan of Transportation designated arterial roadway, which are regulated for noise with respect to proposed residential development. A noise study will be required with future applications to determine appropriate mitigation for the proposed residential use.

Section 27-195(b)(2) Construction Schedule

The applicant did not propose a construction schedule of more than six (6) years, therefore, this regulation was not evaluated by staff. The applicant, however, states that all public facilities are adequate, as demonstrated in the approved PPS. The PPS (4-09003) was approved as amended on May 24, 2012. Analysis for this application is found to be adequate with conditions as set forth above and will be further evaluated at the time of CDP amendment and PPS.

Section 27-195(b)(3) L-A-C Commercial Development

The proposed amendment removes all commercial development; therefore, regulation does not apply.

Section 27-195(b)(4) V-M and V-L Development

The subject property is zoned L-A-C; therefore, this regulation does not apply.

Staff finds that the proposed amendment of A-9988 meets the requirements of Section 27-195(b).

RECOMMENDATION

The District Council approval of A-9988 (Order Zoning Ordinance 17-2008) adopted the findings and conclusions of the Zoning Hearing Examiner, with 12 conditions and one consideration. Staff recommends **APPROVAL** of the amendment subject to the original conditions, and consideration with the addition of the following condition:

1. Prior to certification the Basic Plan Map shall be revised to:
 - a. Delineate the M-I-O-Z-Intensity Zone and note on the plan that residential construction within the M-I-O-Z shall conform to Section 27-548.55(b) of the Prince George's County Zoning Ordinance.

- b. Clarify the land use as either conventional residential, or Mixed-Use Retirement, in accordance with Subtitle 27.