

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed A-9970 requesting rezoning from the I-1 to the R-S (1.6 –2.6) Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 3, 2005, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property, consisting of 167.84 acres, is located on the west side of US 301 (Crain Highway), north of its intersection with Dyson Road. Access to the property is proposed from Dyson Road. The property has approximately 1,200 feet of frontage along Dyson Road. The subject property has been permitted for use as a sand and gravel surface mining site, a gravel wash plant, a concrete plant, and an asphalt batching plant.
- B. **History:** The site was designated by the 1974 Subregion V master plan as a “staged future development/suburban living area,” with recommended ultimate densities up to 2.6 dwelling units (DU)/acre. Through the 1978 Brandywine sectional map amendment (SMA) and in accordance with staged future development area SMA policies, the zoning was changed from R-R (Rural Residential) to R-A (Rural Agricultural). In 1992 the preliminary master plan again recommended low suburban living area densities of up to 2.6 DU for the subject property. A zoning change from R-A back to R-R was recommended by the 1992 proposed SMA.

In the June 1992 public hearings the property owners, Alfred and Harry Smith, through counsel, requested the I-1 (Light Industrial) zone solely to validate the existing sand and gravel mining operation and asphalt and concrete manufacturing plants operating on-site as permitted uses rather than continue as nonconforming uses. The Planning Board did not grant the Smiths’ request to rezone the property to I-1. Instead, the Board adopted the 1992 master plan and endorsed the SMA, which recommended rezoning the property from R-A to R-R, designating the site as a low suburban living area at up to 2.6 DU/acre.

At the behest of the owners the District Council amended the master plan and SMA by proposing industrial zoning for the site. (CR-17-1992, Amendment 19). The 1993 approved Subregion V master plan and sectional map amendment rezoned the subject property from the R-A Zone to the I-1 Zone (CR-60-1993).

**C. Master Plan and General Plan Recommendations:**

1. **Master Plan:** The 1993 approved Subregion V master plan and sectional map amendment placed the subject property in the I-1 (Light Industrial) Zone to validate the established sand and gravel extraction operation and asphalt and concrete production uses operating on-site. While the master plan identifies the subject site as part of Employment Area “L,” the plan does not provide any vision for the development of the property after the existing uses ceased to operate.
2. **2002 General Plan:** This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Growth policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to the designated centers and corridors. The Brandywine Center (25) in the Branch Avenue Corridor (F) has been designated as the employment and commercial center for this area of the county.

**D. Request:** The application is for approval of rezoning 167.84 acres from the existing I-1 (Light Industrial) Zone to R-S 2.7-3.5 (Residential Suburban) Zone, a Comprehensive Design Zone (CDZ). Subsequent to the release of the Technical Staff Report, the applicant amended their request to the lower density R-S 1.6 –2.6 Zone.

1. DEVELOPMENT DATA

The proposed basic plan reflects the following land use types and quantities:

**R-S Zone Land Use Quantities**

Total gross area	167.84 acres
Land in the 100-year floodplain	21.65 acres
Net area (gross minus ½ floodplain)	157.02 acres

Density permitted under the R-S (Residential Suburban 2.6) Zone

Base Density (1.6 DU/Ac)	251 units
Maximum residential density (2.6 DU/Ac)	408 units

Proposed residential development 405 units

2. CONCEPTUAL DESIGN FEATURES

**Site conditions:** The subject site is comprised of wooded areas, open sand and gravel surface mining pits, and on-site storage of sand and gravel materials.

Three man-made wash ponds are also located on the property. The asphalt and concrete production facilities have been dismantled and removed. No existing residences or barns or associated outbuildings exist on the site. Unimproved driveways originating from Dyson Road and US 301 provide access to the subject property.

The topography of the site is gently to moderately sloping with the majority of the site draining toward the east, to an unnamed tributary that flows north into Piscataway Creek. Severe slopes (25 percent and greater) are found along the stream valleys and moderate slopes associated with natural and man-made landforms are found throughout the site. Site topography estimated from Maryland Geological Survey topographic data indicates that ground surface elevations range from a high of approximately elevation 240 feet above mean sea level (MSL) along the western site boundary to a low of approximately 150 feet MSL where Piscataway Creek crosses the northwestern property corner.

**General layout:** The proposed basic plan shows one vehicular access point connecting to Dyson Road and one emergency access to US 301. The primary internal spine road will run north from a monumental entrance at Dyson Road approximately 650 feet west of the interchange with US 301. The road will continue roughly parallel to the western property boundary and will feature a series of roundabouts, cross streets and cul-de-sacs accessing the various neighborhoods. One major east-west connector will provide access from the main spine road, across the dam at the north end of the lake feature to the amenity complex and the town homes located in the east central portion of the site. A series of hiker-biker trails will also provide access from the neighborhoods to the amenity complex, the lake features, and the steam valley.

This amenity complex is planned to be neighborhood-oriented and to complement other public centers in the area. It will feature a community clubhouse, outdoor swimming pool, tennis courts, and other recreational facilities. The lake will feature perimeter hiker-biker trails, public art, and other passive recreational opportunities. Additional recreational sites will be located within the individual neighborhoods.

**E. Neighborhood and Surrounding Uses:**

The property is surrounded by the following uses:

**North**—PEPCO transmission line right-of-way and R-O-S (Reserved Open Space) zoned land owned by the Maryland Veterans Commission.

**East**—Developed and vacant properties in the I-1 (Light Industrial) Zone and US 301, Robert Crain Highway, beyond the industrial properties.

**South**—Dyson Road and commercial uses in the C-M (Commercial-Miscellaneous) Zone along the south side of Dyson Road.

**West**—Piscataway Creek Stream Valley Park owned by M-NCPPC, zoned R-O-S and R-R (Rural Residential). The county recycling drop-off facility is located on the 3.7±-acre, southernmost R-R parcel (P.22) across from Missouri Avenue. The M-NCPPC Police Fire Arms Range is located on the north central portion of the 182.1±-acre R-O-S parcel (P.98).

The Subregion V master plan places the property in the Gwynn Park neighborhood of the North Village of the Brandywine community. The triangularly shaped neighborhood is defined by Piscataway Creek and the PEPCO transmission line right-of-way to the north, US 301 to the east, and MD 5 to the west.

- F. **Zoning Requirements:** The zoning map amendment application is subject to Part 3, Subdivision 3, Comprehensive Design Zone, and Part 8, Comprehensive Design Zones, of the Zoning Ordinance. Specifically the application has been reviewed for compliance with the following regulations:

**Section 27-195(b):**

**Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:**

- (A) **The proposed Basic Plan shall either conform to:**
- (i) **The specific recommendation of a General Plan map; Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text, which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**
  - (ii) **The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

The Planning Board finds that the Residential Planning Guidelines on page 86 of the Master Plan specifically encourage the type of development proposed by the Applicant. The density proposed for Renard Lakes is also in full accordance with ranges set forth on page 86 of between 1.6 and 7.9 dwelling units per acre for single family attached and detached units. The Basic Plan also fulfills a number

of the objectives of the Master Plan for Living Areas including: the removal of incompatible uses (i.e. sand and gravel mining and an asphalt mixing plant) within living areas, preservation of natural and scenic assets as an integral part of residential areas to enhance the character, quality and livability of the Subregion, and to provide a wide range of housing opportunities and neighborhood choices which meet the needs of different age groups, family sizes, lifestyles and incomes.

The proposed development is also in accordance the General Plan's goals and policies of the Developing Tier. A developing tier designation indicates those areas where the county anticipates and encourages new development in 'contiguous and compatible growth patterns.' The specific enumerated goals in the Developing Tier which support this map amendment are to maintain a pattern of low to moderate density land uses (except in Centers and Corridors), reinforce existing suburban residential neighborhoods and to preserve and enhance environmentally sensitive areas. Contrary to the contention of staff, the General Plan does not encourage the development of employment areas outside of the identified Centers and Corridors. The General Plan specifically designates Maryland Route 5 (not U.S. Route 301) as the growth corridor in the area and specifically designates the Brandywine Center (#25) as the appropriate location for employment uses. While the General Plan calls for an increase in the jobs-to-population ratio, this goal applies to an area wider than the subject neighborhood. The Board believes that the subject I-1 Zoned site, with a location north of the Brandywine Center, is not suited to yield quality employment development. Further, with a recent Round 7 Forecast which anticipates an increase in jobs in the Washington Metropolitan Area, the Board is concerned that there may not be enough housing to accommodate the new workers in the region.

**(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan:**

While an economic analysis is not formally required for a comprehensive design zone that does not propose to include a retail commercial area, the applicant prepared a study to illustrate the positive economic impacts of the proposed rezoning from I-1 to R-S on the regional and countywide economies. The applicant submits that:

“If the rezoning is not approved and the extraction operations were to continue there would be no appreciable employment associated with the subject property. As such the only economic benefit to Prince George's county would continue to be the Real Property Tax. The property taxes would yield approximately \$766,495.00 over a 20 year period as opposed to revenues of approximately \$84,598,795.00 from the proposed upscale residential development.”

- (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. 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 General or Area Master Plans, or urban renewal plans;**

The Transportation Planning Section has reviewed the Zoning Map Amendment application and provided the following analysis in a memo dated October 27, 2005:

“The applicant proposes to develop the property under the R-S (Residential Suburban) zone with 429 single-family dwelling units and townhouses. The purpose of the zoning map amendment is to rezone the subject property from the I-1 (light industrial) zone to the R-S (residential suburban) zone.

“The applicant prepared an initial traffic impact study dated March 11, 2005. A revised traffic study, dated August 29, 2005, was submitted along with additional traffic counts. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **“Traffic Analysis**

“The basic plan proposes 429 dwelling units, the submitted traffic study analyzed the impacts of 345 single-family dwelling units and 84 townhouse units. Only one access point to the site is proposed on the north side of Dyson Road. The initial traffic study contained an analysis of the two Dyson Road intersections at U.S. 301, where the northbound and southbound lanes of U.S. 301 are divided by a wide median strip. These two intersections are currently unsignalized. This traffic study was subsequently revised to include the signalized intersections of U.S. 301/ Frank Tippett Road and U.S. 301/MD 381/Brandywine Road.

“With the development of the subject property, the traffic consultant concluded that two unsignalized intersections within the study area would have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition. These include the intersections of southbound U.S. 301 and Dyson Road and northbound U.S. 301 and Dyson Road. The signalized intersection of U.S. 301 and MD 381 (Brandywine Road) would also exceed the threshold for signalized intersections as defined in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

“The site is within the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

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

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

Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

“The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- “U.S. 301 SB/Dyson Road (unsignalized)
- “U.S. 301 NB/Dyson Road (unsignalized)
- “U.S. 301/Frank Tippett Road (signalized)
- “U.S. 301/MD 381/Brandywine Road (signalized)

“The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
U.S. 301 SB/Dyson Road	49.4*	200.7*	--	--
U.S. 301 NB/Dyson Road	275.9*	39.7*	--	--
U.S. 301/Frank Tippett Road	874	1,090	A	B
U.S. 301/MD 381/Brandywine Road	1,456	1,196	E	C
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay				

exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

“Background developments included 1,178 single-family units, 340 apartments, 839 townhouse units, 1,297,500 square feet of office, 1,900,500 square feet of warehouse, 4,270,000 square feet of industrial, 2,484,000 square feet of heavy industrial, and 107,850 square feet of medical/office space. Background traffic along the study area roads was also increased by two percent each year to account for overall growth up to the design year 2008. This is the expected year of full build-out. Given these assumptions, background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
U.S. 301 SB/Dyson Road	999.0*	999.0*	--	--
U.S. 301 NB/Dyson Road	999.0*	999.0*	--	--
U.S. 301/Frank Tippet Road	1,386	1,384	D	D
U.S. 301/MD 381/Brandywine Road	1,795	1,571	F	E
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

“Under background traffic conditions the average vehicle delay exceeds 50.0 seconds at the unsignalized intersections of U.S. 301 SB/Dyson Road and U.S. 301 NB/Dyson Road. The level of service is unacceptable at the signalized intersection of U.S. 301/MD 381 within the study area.

“The site is proposed for development as a residential subdivision, with 345 single-family dwellings and 84 townhouse units. The trip rates were obtained from the *Guidelines*. The resulting site trip generation would be 318 a.m. peak hour trips (64 in, 254 out), and 378 p.m. peak hour trips (246 in, 132 out). With site traffic, the following operating conditions were determined:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
U.S. 301 SB/Dyson Road	999.0*	999.0*	--	--
U.S. 301 NB/Dyson Road	999.0*	999.0*	--	--
U.S. 301/Frank Tippett Road	1,425	1,434	D	D
U.S. 301/MD 381/Brandywine Road	1,816	1,598	F	E
U.S. 301/MD 381/Brandywine Road**	1,611	1,563	F	E
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

\*\*\*With the applicant’s proposed improvements.

“Under total traffic conditions the average vehicle delay exceeds 50.0 seconds at the unsignalized intersections of U.S. 301 SB/Dyson Road and U.S. 301 NB/Dyson Road. The level of service is unacceptable at the signalized intersection of U.S. 301/MD 381/Brandywine Road within the study area, well above threshold levels, i.e., a critical lane volume (CLV) of 1,450 or better and Level of Service (LOS) D.

**“Proposed Improvements**

“The applicant’s traffic consultant recommends several improvements to the intersections of U.S. 301 and MD 381 (Brandywine Road) and U.S. 301 and Dyson Road.

“U.S. 301 Southbound/Dyson Road

“Widen the eastbound Dyson Road approach from the existing one through/right lane to one through and one through/right lane, also signalize the intersection.

“U.S. 301 Northbound/Dyson Road

“Widen the eastbound Dyson Road approach, this is within the U.S. 301 median strip, from the existing one left/through lane to two left turn lanes and one through lane, also signalize the intersection.

“U.S. 301/MD 381 (Brandywine Road)

“Widen the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane. Modify the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane. Widen the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This would accommodate the second westbound MD 381 through lane.

“**Operating Agency Comments**

“The State Highway Administration concurred with the proposed improvements at the intersection of U.S. 301 and MD 381 (Brandywine Road). However, it is now the State Highway Administration’s and the Prince George’s County Department of Public Works and Transportation’s policies to explore alternative geometric designs at intersections where excessive delays occur and prior to the installation of traffic signal control devices.

“The State Highway Administration recommends that the applicant develop alternative intersection improvements at the southbound and northbound intersections of U.S. 301 and Dyson Road if the intersections remain unsignalized. Staff notes that the southbound and northbound lanes of U.S. 301 are nearly 400 feet apart at the intersection of Dyson Road. The *U.S. 301 Access Control Study Final (March 1999)*, done for the State Highway Administration, recommends a future grade separation at this location. The study recommends that Dyson Road be grade separated and realigned from its existing location to the north. The existing portion of Dyson Road on the east side of U.S. 301 would be used for local access. At the proposed site of Renard Lakes, Dyson Road would be realigned slightly to the north.

“The study also recommends that an industrial road be constructed on the west side of U.S. 301 to serve several parcels along the west side of U.S. 301 and to the northeast of proposed Renard Lakes. The industrial or service road would tie into realigned Dyson Road. These future improvements are shown on an attachment (to the October 27, 2005 memo from the Transportation Planning Section.

“**Basic Plan and Master Plan Comments**

“The current zoning on the property is I-1, and it is anticipated that the site would be developed as flex/office space, which is a combination of general office and warehouse space. It is not anticipated that the property would be developed solely as office space but more likely a

combination of light service industrial, heavy industrial, and/or warehousing. The table below shows development potential of various land uses on the site compared to the residential component being proposed.

<b>Comparison of Estimated Trip Generation, A-9970 (Renard Lakes), 167.84 acres</b>							
Zoning or Use	Units or Square Feet	AM Peak Hr. Trips			PM Peak Hr. Trips		
		In	Out	Total	In	Out	Total
<b>Proposed Zoning</b> R-S (residential)	345 SF, 84 TWH	<b>64</b>	<b>254</b>	<b>318</b>	<b>246</b>	<b>132</b>	<b>378</b>
<b>Existing Zoning</b>							
I-1 (industrial)	1,000,000 sq.ft. warehouse	320	80	400	80	320	400
I-1 (industrial)	1,000,000 sq.ft. light ind.	<b>690</b>	<b>170</b>	<b>860</b>	<b>170</b>	<b>690</b>	<b>860</b>
I-1 (industrial)	1,000,000 sq.ft. ind.park	550	180	730	200	550	750
<b>Difference (Proposed zoning minus highest existing)</b>		<b>-626</b>	<b>+84</b>	<b>-542</b>	<b>+76</b>	<b>-558</b>	<b>-482</b>

“Although the gross site acreage is 167.84 acres, the flood plain acreage is 21.65 acres. Parking, setbacks, roadways, etc. should take another ten percent of the land. This reduces the site to approximately 132 acres of developable land. Staff assumed a FAR of .20 to .30. This was done to compare the proposed zoning change to residential versus the potential warehouse space possible under existing zoning. This square footage may be less than the complete build-out of the site within the current I-1 zone. The table above is for comparative purposes only.

“During the AM peak hour there are substantially more inbound trips (over 600 AM peak hour) and during the PM peak hour there are more outbound trips (over 500 PM peak hour) under the existing I-1 zone compared to the proposed R-S zone. Based on the current zoning (I-I zone) and *Subregion V Master Plan (1993)*, the rezoning of the site to residential zoning (R-S zone) will generate fewer trips and should have fewer impacts on nearby intersections and links within the study area.

“The *Subregion V Master Plan (1993)* lists Dyson Road as a four-lane collector roadway between A-63 (Brandywine Employment Spine Road) and Cherry Tree Crossing Road. It is currently two lanes in the vicinity of the site. Dedication of 40 feet from the master plan centerline of Dyson Road would be required at the preliminary plan stage.

“U.S. 301 (F-10) is listed in the *Subregion V Master Plan (1993)* as a six to eight freeway. This roadway would be realigned as a dual highway to the east. The existing southbound lanes of U.S. 301 would provide local access to adjacent properties.

“As mentioned above the *U.S. 301 Access Control Study Final (March 1999)* recommends an industrial or service road on the west side of U.S. 301. This would provide access to those properties located northeast of Renard Lakes and adjacent to U.S. 301. These properties border

U.S. 301 and will require a service road to access Dyson Road. The U.S. 301 report provides preliminary right of way analysis and access controls to be used along U.S. 301. The proposed industrial road will end with a cul-de-sac to the north and then proceed south to Dyson Road near its intersection with existing U.S. 301. (See the attachment).

As submitted, the Basic Plan for Renard Lakes is not acceptable from the standpoint of access and circulation. Only one access point is shown along Dyson Road. This entrance point is too close to U.S.301. An additional entrance point should be considered along the park access road. This road serves the Piscataway Creek Stream Valley Park.

“There are traffic and safety issues, and it would be expected that emergency response issues could arise with only one access to a proposed development of this size. The current proposal is for four hundred and twenty-nine single attached and detached residential units. An access study should be conducted by the applicant and reviewed by SHA and DPW&T to determine the adequacy of any proposed access points and the need for acceleration/deceleration lanes and other improvements. At minimum, the site should be served by at least two entrance points.

#### **“Transportation Staff Conclusions**

“In summary, the Transportation Planning Section determines that the proposed Basic Plan amendment would not change the transportation level of service anticipated by the master plan on any transportation link within the study area of this site. Consistent with the required finding in Section 27-195(b)(1)(C), the used proposed on this Basic Plan amendment would not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, if the application is approved with the following conditions:

- “1. At the time of Comprehensive Design Plan, the applicant shall consider a second egress/access point to the proposed site, along the existing road to Piscataway Creek Stream Valley Park on the western edge of the property. This roadway should have a right of way width of 60 feet.
- “2. At the time of Comprehensive Design Plan, the applicant will be responsible for providing alternative intersection improvement designs at the two intersections of Dyson Road at the southbound and northbound lanes of U.S. 301.
- “3. Transportation planning staff and DPW&T will make specific recommendations regarding internal circulation and roadways within the site at the time of preliminary plan of subdivision.
- “4. At the time of building permit the applicant shall be required to provide improvements at the intersection of U.S. 301 and MD 381 (Brandywine Road). These improvements include:

- a. Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.
  - b. Modifying the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.
  - c. Widening the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This will accommodate the second westbound MD 381 through lane.
  - d. The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and U.S. 301.
- “5. At the time of building permit the applicant shall be required to provide geometric improvements at the intersections of U.S. 301 Southbound/Dyson Road and U.S. 301 Northbound/Dyson Road. These additional or alternative geometric improvements will be identified by the applicant and agreed to by the State Highway Administration. At the time of Specific Design Plan the applicant will be required to conduct traffic signal warrant studies at these two intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on U.S. 301 and Dyson Road as required by SHA and/or DPW&T.
- “6. At the time of submission of the final plat the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.
- “7. At the time of building permit the applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site’s proposed access point along Dyson Road if this location is approved by DPW&T or at a nearby access point on Dyson Road approved by DPW&T.
- “8. At the time of Comprehensive Design Plan the plan shall reflect the location of the service road recommended by SHA to serve and provide future access to properties along U.S. 301. This roadway will connect to the realigned Dyson Road to the west of U.S. 301. Needed dedication of public right-of-way will be determined at the time of preliminary plan of subdivision.”
- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program**

**(such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;**

### **Parks and Recreation and Trails**

The following master plan trail facilities impact or are in the vicinity of the subject site:

- A proposed Class II Trail along Dyson Road
- A proposed trail within the adjacent PEPCO right-of-way
- A proposed trail along A-613

The trail along A-613 will be completed at the time of road construction. The side path along Dyson Road can be completed at the time of road frontage improvements. This trail will accommodate residents on the site walking along Dyson Road to the nearby Gwynn Park Middle School, Gwynn Park High School, and the adjacent Piscataway Creek Stream Valley Park.

No recommendations are made regarding the planned trail within the PEPCO right-of-way. Due to liability concerns, PEPCO does not want to encourage or promote trail use within the right-of-way.

The applicant reflects an internal pedestrian circulation system on the site. This network should be comprehensive, connect to all portions of the subject property, and provide access to internal recreational facilities. Trail access to the adjacent M-NCPPC parkland may also be appropriate. A detailed analysis of the trail and pedestrian facilities will be completed at the time of CDP and SDP.

### **Fire and Rescue**

The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has service travel time of 3.78 minutes, which is within the 5.25-minute travel time guideline. The facility also provides ambulance paramedic service within response time standards. The above findings are in conformance with the *Approved Public Safety Master Plan (1990)* and *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

### **Public Schools**

Students in the subject area are assigned to attend Brandywine Elementary, Gwynn Park Middle, and Gwynn Park High Schools. An adequate public facility schools test will be conducted at time of subdivision application.

### **Police Facilities**

The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard complement of officers. As of January 2, 2005, the county had 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 personnel, which is above the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed suburban density residential complex.

### **Water and Sewer**

The 2001 water and sewer plan designates this property in Water and Sewer Category 5. An application, 05/P-07, is included in the August cycle of amendments requesting Category 4. Water lines abut the property and a sewer line traverses the property.

**(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.**

The 167.84-acre property in the I-1 Zone is located northwest of the intersection of US 301 and Dyson Road in the Developing Tier according to the adopted General Plan. There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on-site. US 301 is a nearby existing source of traffic-generated noise. The proposed development is not a noise generator. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," there are no rare, threatened or endangered species found to occur in the vicinity of this property. No designated scenic or historic roads are affected by this development. The property is located in the Piscataway Creek watershed in the Potomac River basin. The Environmental Planning Section reviewed this application and recommends the following:

1. An approved natural resources inventory (NRI) shall be required as part of any application for a comprehensive design plan (CDP).
2. As part of the NRI a soils study shall be submitted.
3. A Phase I noise study shall be required as part of any application for a CDP.

### **Archeological Resources and Architectural Historic Assessment**

The applicant has submitted a Phase I archeological survey and architectural history assessment report with this rezoning application. The draft report concludes that no further archeological investigation is necessary. The Historic Preservation and Public Facilities Planning Section in a memorandum dated August 25, 2005, noted that:

1. The subject application will have no impact on the John Townshend Gravesite (Historic Resource 85A-005) and no impact on the other cemeteries known to be located on the adjacent M-NCPPC property.
2. Additional background information on the history of the subject property should be included in the final version of the Phase IA report.

#### **RECOMMENDATIONS:**

1. The applicant should consult with Historic Preservation staff and Robertson family descendants to include additional historical information in the Phase IA final report, to develop historically appropriate street names for the community, and to develop markers or signage describing the history of the area.

### **Surrounding Development**

The issue of compatibility with the built environment and with the surrounding approved development in the area is also relevant to the eventual determination of the most appropriate densities, housing types, locations, and zoning. The surrounding properties, which are in the I-1, R-O-S, R-R and C-M Zones, have a wide variety of densities and permitted land uses. The Maryland-National Capital Park and Planning Commission Fire Arms Range is located in the Piscataway Creek Stream Valley Park. Even though the facility is located over 650 feet west of the common property line, buffered and screened by existing dense evergreen forested area, and is significantly lower in elevation, the M-NCPPC Department of Parks and Recreation has raised safety concerns regarding its proximity to the proposed development. The applicant is currently discussing various options with the users of the range.

- (2) **Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for**

**construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

The applicant has provided a statement that the construction schedule will not be more than six years.

**G. Conformance with the Purposes of the Zone Requested:**

**Sec. 27-511. Purposes.**

**(a) The purposes of the R-S Zone are to:**

**(1) Establish (in the public interest) a plan implementation zone, in which (among other things):**

**A. Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**

The development of Renard Lakes at Smith Bond farm has been designed to provide significant public benefit features including over 46 acres (27 percent of the gross tract area) of quality open space. Active recreation facilities planned include a community center with clubhouse and outdoor pool, activity center, spa, tennis courts, open play areas, and tot lots. The density proposed (2.6 dwellings per acre) is within the range permitted in the R-S Zone. The extent to which proposed benefit features will allow additional density will be determined during the review of the comprehensive design plan.

**B. The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**

According to the master plan, the subject property is located with the Gwynn Park neighborhood of the Brandywine Community in the North Village. The site is within an area designated on page 53, Map 7, as a "suburban living area." Suburban living areas are defined as the primary locations for housing in the subregion. Additionally, the master plan calls for development of primarily single-family detached homes to achieve low-suburban and suburban densities of 1.6 to 3.5 dwelling units per

acre, and states that townhouses may be included in Comprehensive Design Zone development areas.

- (2) **Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual development proposals;**

Both the General Plan and the master plan can serve as the criteria for evaluating the instant application. With the recommended conditions, the proposed development is in accordance the General Plan's goals and policies of the Developing Tier. The basic plan fulfills a number of the objectives of the master plan for living areas including the removal of incompatible uses (i.e., sand and gravel mining and an asphalt mixing plant) within living areas, preservation of natural and scenic assets as an integral part of residential areas to enhance the character, quality and livability of the subregion, and to provide a wide range of housing opportunities and neighborhood choices which meets the needs of different age groups, family sizes, lifestyles and incomes.

- (3) **Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

Low-suburban to suburban density residential development is the dominant land use type throughout the subregion and immediately surrounding the site. The subject property, due to its topography and the adjacent roadway network, is isolated from the adjoining properties to the south (isolated commercial), east (light industrial) and north (publicly owned reserved open space). The contiguous properties along the western property line are all zoned residential and owned by M-NCPPC.

- (4) **Encourage amenities and public facilities to be provided in conjunction with residential development;**

On-site amenities including hiker-biker trails and an extensive pedestrian circulation system, passive open space public areas surrounding the rehabilitated lake features, and preservation of sensitive environmental features have been designed as integral components of the proposed residential development.

- (5) **Encourage and stimulate balanced land development; and**

Development of the subject property at low-suburban to suburban densities could serve to provide a transition from the more intensely developed industrial

properties along US 301 to the east and the commercial properties to the south along Dyson Road. The immediate area surrounding the site is more diverse than much of the North Village of the Brandywine Community that is dominated by residential land uses.

**(6) Improve the overall quality and variety of residential environments in the Regional District.**

The applicant has submitted an economic analysis of the positive impacts that the proposed development will have on the region, Prince George's County and the surrounding neighborhood. Of the 405 ± residential units proposed, 79 will be attached units and the remaining 345 will be single-family detached residences varying in size and price. Overall, the development could add to the variety and choices of housing types in the area and will improve the quality of choices within the county and the Regional District.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED , subject to the following conditions:

The Basic Plan shall be revised to reflect development in the R-S 1.6 –2.6 Zone and show the following revisions:

1. Land use types and quantities:
  - Total area: 167.84 acres
  - Land in the 100-year floodplain: 21.65 acres
  - Net Area (gross less half the floodplain): 157.02± acres
  - Density Permitted under the R-S Zone: 1.6-2.6 du/ac
  - Permitted Dwelling Unit Range: 251 to 408 dwellings

Proposed Land Use Types and Quantities:

- Single-family detached and attached units
  - Public Active Open Space
  - Passive Open Space
  - Recreational Facilities
2. Provision of a preliminary plan of subdivision is required for the proposed development.

3. A bufferyard shall be provided along the western property line. The bufferyard shall include a wall of which the height, material and design shall be determined during the Comprehensive Design Plan phase of the review. The width of the bufferyard shall also be determined during the Comprehensive Design Plan phase of the review.
4. An approved Natural Resources Inventory shall be required as part of any application for a Comprehensive Design Plan.
5. As part of any application for a Natural Resources Inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.
6. A Phase I Noise Study shall be required as part of any application for a Comprehensive Design Plan. The Comprehensive Design Plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise, and the TCPI shall show conceptually how noise will be mitigated to 65 dBA Ldn or less.
7. At the time of Comprehensive Design Plan, the applicant will be responsible for providing alternative intersection improvement designs at the two intersections of Dyson Road at the southbound and northbound lanes of U.S. 301.
8. Unless modified at the time of Comprehensive Design Plan or Preliminary Plan, at the time of building permit the applicant shall be required to provide improvements at the intersection of U.S. 301 and MD 381 (Brandywine Road). These improvements include:
  - e. Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.
  - f. Modifying the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.
  - g. Widening the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This will accommodate the second westbound MD 381 through lane.
  - h. The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and U.S. 301.
9. At the time of building permit the applicant shall be required to provide geometric improvements at the intersections of U.S. 301 Southbound/Dyson Road and U.S. 301

Northbound/Dyson Road. These additional or alternative geometric improvements will be identified by the applicant and agreed to by the State Highway Administration. At the time of Specific Design Plan the applicant will be required to conduct traffic signal warrant studies at these two intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on U.S. 301 and Dyson Road as required by SHA and/or DPW&T.

10. At the time of submission of the final plat the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.
11. At the time of building permit the applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road if this location is approved by DPW&T or at a nearby access point on Dyson Road approved by DPW&T.
12. At the time of Comprehensive Design Plan the plan shall reflect the location of the service road recommended by SHA to serve and provide future access to properties along U.S. 301. This roadway will connect to the realigned Dyson Road to the west of U.S. 301. Needed dedication of public right-of-way will be determined at the time of preliminary plan of subdivision.
13. The applicant shall make disclosures to the residents of the proposed community regarding the location of the existing gun range

Considerations:

1. The Comprehensive Design Plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole and shall be located where previous impacts have occurred, to the fullest extent possible. To avoid permanent impacts to the stream system for a road crossing, an entrance serving the isolated eastern portion of the site shall be fully investigated and utilized if possible.
2. At the time of Comprehensive Design Plan, the applicant shall consider a second egress/access point to the proposed site, along the existing road to Piscataway Creek Stream Valley Park on the western edge of the property. This roadway should have a right of way width of 60 feet.

\* \* \* \* \*

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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent, at its regular meeting held on Thursday, November 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of December, 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JJ:wrc