

R E S O L U T I O N

WHEREAS, the Prince George ' s County Planning Board has reviewed A-9987 requesting rezoning from the I-3 and E-I-A Zones to the L-A-C 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 15, 2007, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located east of US 301 (Crain Highway) and MD 5 (Branch Avenue) on the south side of Short Cut Road and Brandywine Road and approximately 600 feet southeast of the intersection on Branch Avenue and Crain Highway. The site is largely undeveloped and wooded. A tributary of the Timothy Branch also runs through the property.

B. **History:** The 1993 Subregion V SMA retained this property in the previously existing E-I-A (Employment and Institutional Area) and I-3 (Planned Industrial/Employment Park) Zones.

C. **Master Plan Recommendation:**

2002 General Plan: These applications are located in a possible future center in the Developing Tier. The vision for centers is to promote development of mixed residential and nonresidential uses a moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design. "The Centers in the Developing Tier should be developed at densities that are high enough to generate ridership that justifies the cost of extending rail transit. Developing Tier Centers...should be developed at sufficient intensities with integrated mixed land uses, sustain existing bus service, and create additional opportunities for more walk-, bike-, or drive-to-transit commuting."

Master Plan: The 1993 Subregion V master plan recommends employment industrial and a planned industrial/employment park for the property.

D. **Request:** The applicant is requesting that the subject 334.26-acre site be rezoned from the I-3 (Planned Industrial/Employment Park) and E-I-A (Employment and Industrial) Zones to the L-A-C (Local Activity Center) and R-M (Residential Medium Density) Zones. The R-M-zoned portion of the development (A-9987) would contain approximately 262 gross acres, which would accommodate approximately 1,200 to 1,500 residential units. The L-A-C-zoned portion (A-9988) of the development would contain approximately 72 gross acres and would be developed as a mixed-use village center. The village center would consist of retail/commercial, office, and warehousing and distribution, as well as light manufacturing and industrial flex space.

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

A-9987:

Total area:	262± acres
Land in the 100-year floodplain:	19 acres
Adjusted gross area:	243 acres
Density permitted under the R-M Zone:	3.6–5.7 du/ac
Permitted Dwelling Unit Range	874.8–1385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, two-family attached (two-over-two), and multifamily

A-9988:

Total area:	72± acres
Land in the 100-year floodplain:	8 acres
Adjusted gross area:	64 acres
Density permitted under the L-A-C Zone:	10–15 du/ac
Permitted dwelling unit range:	640 – 960 du
Floor area ratio:	0.2–0.4 FAR
Proposed commercial/employment:	220,000–270,000 sq. ft.

Proposed Land Use Types and Quantities:

Commercial/office, retail, light industrial flex space for office, manufacturing, warehousing and distribution uses

E. **Surrounding Uses:** The property is surrounded by the following uses:

- North — Across Brandywine Road is undeveloped land in the I-1 Zone and single-family detached homes to the northeast in the R-R Zone.
- East — Single-family detached homes in the R-R Zone and undeveloped land farther southeast in the I-3 and I-2 Zones.
- South — Scattered storage and light industrial uses in the I-1 and I-2 Zones.
- West — Across US 301 is undeveloped land in the R-R Zone and commercial and warehouse uses in the E-I-A Zone.

F. **Zoning Requirements:** Section 27-195(b) provides that 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:

- (1) (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 proposed plan conforms to the principals and guidelines of the General Plan, which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties. The General Plan lays the foundation for all future planning activities in the county. This guidance is expressed as goals, objectives, policies, and strategies that, taken together, determine the preferred development pattern and the transportation system, public facilities and environmental features needed to accommodate that pattern. Countywide goals featured in the General Plan included encouraging quality economic development and making efficient use of existing and proposed local, state and federal infrastructure investment.

The General Plan locates the property in the Developing Tier of the county, which is defined as a largely suburban area located primarily in the central portion of the county. The property is further defined as a possible future “community center” in a “corridor with limited access.” Within the Developing Tier, a policy overlay for centers and corridors focuses on specific areas where more intense development is encouraged to take advantage of public investments in transportation facilities. Visions for the Developing Tier include *distinct commercial centers*; compact, *higher-intensity, mixed uses* in centers and corridors; and community focal points in planned commercial centers.

The General Plan strongly recommends mixed residential and non-residential such as will be provided in the L-A-C Zoned portion of the property which provides for an “active adult” community as well as commercial/office, retail, light industrial flex space for office, manufacturing, warehousing and distribution uses.

Community centers are defined in the General Plan as areas with a “concentration of activities, services and land uses that serve, and are focal points for, the immediate neighborhoods.” The Brandywine Center is specifically described in the General Plan as follows, “[t]he Brandywine Center is located on *both side of MD 5/US 301* north of the Charles County line. On the east side is a partially developed employment area. On the west side is the Brandywine Special Study Area identified in the 1993 Subregion V Master Plan. This area is currently recommended for a mix of residential, employment and retail uses.” As stated on page 43 of the Plan, “these are areas where the benefits to the County for future development can far outweigh the costs to the County.” Thus, the basic plan for this property conforms to the principles and guidelines as outlined in the General Plan.

(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.

Based on testimony at the public hearing and an economic study submitted by the applicant, the Planning Board believes that there is sufficient unmet consumer demand from within the Village at Timothy Branch L-A-C and nearby residential development to support a neighborhood shopping center of at least 50,000–75,000 square feet. Principal factors in their reasoning process include:

- **Central Location**—The proposed Village at Timothy Branch L-A-C retail site is well suited for development as a neighborhood-level commercial center. It is well-located on Mattawoman Drive (the central spine road of the planned community) and on Brandywine Road, easily drawing consumers from east of Crain Highway and also from nearby subdivisions to the west of Crain Highway.
- **Master Plan**—The retail site and the proposed Village at Timothy Branch L-A-C development are consistent with the Prince George’s County master plan vision. The retail component of the L-A-C is appropriately scaled and oriented to the needs of immediately surrounding residential development.
- **Demographics**—The defined retail trade area includes the L-A-C residential component, as well as a combination of established and new developing neighborhoods and scattered rural-density residential development. Brandywine Road is the well-traveled, east-west spine route through the area. County forecasts demonstrate that new residential development within the trade area is continuing, augmented by the L-A-C’s 1,200-unit residential component. New residential values and household incomes in the area are relatively upscale and affluent. The area employment base is substantial.
- **Market Demand**—The study estimates the total amount of retail space supportable in neighborhood shopping centers within the defined trade area to be at least 108,720 square feet in 2015.
- **Retail Supply**—There is no competitive retail supply within the defined retail trade area. Shopping centers, totaling 900,600 square feet GLA, outside the trade

area limit the subject's ability to draw from north and south along the principal highway routes. Nonetheless, the subject's location within the L-A-C and on a major east-west route along with its supermarket anchor's differentiated marketing strategy enables the proposed center to be a strong competitor within the trade area and even outside it. Therefore, none of the existing or planned neighborhood shopping centers are as well located as the subject to serve the needs of L-A-C residents and other residents along the Brandywine Road corridor.

- **Unmet Demand**—Based on their analysis of supply/demand factors and the subject's capture rate of trade area expenditures, the applicant conservatively estimates unmet demand within the defined retail trade area of up to 76,104 square feet at the Village at Timothy Branch L-A-C site.

Based on the information discussed above, the Board concludes that a need has been demonstrated for a neighborhood shopping center use at the same scale as proposed for the Village at Timothy Branch Local Activity Center.

- (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which 100 percent 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 Plan, or urban renewal plans.**

The Transportation Planning Section in a memo dated September 19, 2007, concludes 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 of the Prince George's County Code, particularly based upon the proposed residential density and use. The following comments were submitted by the Transportation Planning Section:

“The Transportation Planning Section has reviewed the revised zoning map amendment applications dated April 30, 2007, referenced above. The subject property consists of approximately 334.26 acres of land in the I-3 and E-I-A Zones. The property is located on the east side of US 301/MD 5, generally between MD 381 and a dedicated portion of Matapeake Business Drive. The applicant is requesting rezoning to the R-M and the L-A-C Zones, which are both comprehensive design zones. The applicant proposes 1,217 mixed-type residences and 305,000 square feet of retail and office space. This memorandum supersedes comments provided on March 15, 2007, and May 14, 2007, in consideration of additional materials submitted by the applicant.

“Growth Policy - Service Level Standards

“The subject property is in 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 is required in the developing tier.

“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.

“Review Summary – Traffic Impact Study

“The applicant has not submitted a formal traffic study with this application. It is anticipated that future comprehensive design plan and preliminary plan of subdivision applications will be accompanied by a traffic study that will examine the site impact at the following existing intersections:

- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381/Brandywine Road (signalized)
- MD 381 and Mattawoman Drive (unsignalized)
- US 301 and Mattawoman Drive (proposed)
- US 301/MD 5 and proposed A-55 (future)
- US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
- US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
- Future Mattawoman Drive and proposed A-55 (future)

“The site is currently zoned E-I-A and I-3. The entire site (plus an existing developed lot in the middle of the site) was subdivided under Preliminary Plan of Subdivision 4-92048 for Brandywine Commerce Center, and at that time was determined to have a potential trip generation of 2,929 AM peak-hour trips and 3,010 PM peak-hour trips. In 1998, Parcel E of Brandywine Commerce Center was developed with a 394,905-square-foot distribution facility. As described in the resolutions approving SDP-9703 and DSP-97012, that facility would generate 172 AM and 171 PM peak-hour vehicle trips, leaving an overall trip generation potential of 2,757 AM and 2,839 PM trips for the remainder of the site. As would be surmised, the remainder of the site is coincident with the combined area of the R-M and the L-A-C proposals under consideration.

“The applicant has provided a trip generation estimation for the combined proposals and has provided a memorandum clarifying the site trip generation assumptions dated September 6, 2007 (this item is attached). There were previous comments regarding the initial submittal. The most recent submittal has attempted to resolve or clarify prior comments; therefore, the following observations are made concerning the trip generation analysis provided by the applicant:

“For the most part, the rates used for the proposal are acceptable. However, the following adjustments and/or comments are provided:

- “- In the L-A-C Zone, the condominium units are described as active adult units. The trip rates on which the previous analysis was based were unique, and the current analysis uses rates shown in the Institute of Transportation Engineers’ Trip Generation Manual for “Senior Adult Housing–Detached.” This is acceptable.
- “- The condominiums shown within the R-M Zone utilized rates shown in the Institute of Transportation Engineers’ Trip Generation Manual in the previous analysis. The current analysis uses rates shown in the Planning Board’s guidelines for multifamily housing. This is acceptable.
- “- The number of assumed trip reductions due to either pass-by or internal trip capture has been greatly reduced. It is agreed that the current trip generation analysis assumes components of trip reduction that are appropriate.
- “- As was noted in prior referrals, the retail component is really not at a location that will serve considerable pass-by traffic. The prior referrals have gone on record recommending a trip reduction of 50 percent for the retail uses proposed; the applicant’s analysis assumes 60 percent. The guidelines state that a pass-by trip reduction ‘up to 60 percent for less than 100,000 square feet’ may be assumed. The use of the phrases ‘up to’ and ‘may be assumed’ suggests that a degree of discretion is allowed in determining the appropriate trip reduction factor. For that reason, a closer examination is being given to the potential uses of the retail areas of this site and the possible uses:
 - “o One area is assumed to contain 10,000 square feet. Given its location adjacent to MD 381, it would seem likely that the site could contain a gas station, a convenience store, or some similar type of use. A high pass-by rate would seem appropriate for this type of use.
 - “o The second area is assumed to contain 75,000 square feet. It would appear to be unlikely that a grocery store would be constructed here given that two other grocery stores have site plan approval within the immediate area (along with a department store with a limited grocery line and a membership warehouse that sells groceries). It seems more likely the site could contain uses such as a drug store, a bank, a dry cleaner, or a day care center, or possibly a small retail center that could contain two

or three of these uses with a couple of other storefronts. A high pass-by rate would be appropriate for any of the specific uses suggested above at this location.

The more conventional grocery store with a strip center would have a more moderate pass-by rate, but that type of retail use is probably unlikely to materialize at this location.

“Based on a closer look at the way the retail within the L-A-C would develop, the use of the 60 percent pass-by/internal trip capture rate appears to be justifiable.

“The following development is proposed for this overall site, by zone:

A-9987, Villages at Timothy Branch, Trip Generation of R-M Proposal

Use	Quantity	AM Trips	PM Trips
Residential, single-family	310 units	233	279
Residential, townhouse	283 units	198	226
Residential, condominiums	342 units	178	205
Total within R-M		609	710

A-9988, Villages at Timothy Branch, Trip Generation of L-A-C Proposal

Use	Quantity	AM Trips	PM Trips
Retail – Area A	75,000 square feet	135	900
Retail – Area B	10,000 square feet	41	120
- Less Pass-By/Internal Trips for Retail A & B	Estimate 60%	-106	-612
General Office	127,500 square feet	255	236
Medical/Professional Office	19,000 square feet	54	72
Flex Office	73,500 square feet	63	63
Residential, townhouse	58 units	41	46
Residential, active adult condominiums	224 units	40	58
Total within L-A-C		523	883

A-9987 & A-9988, Villages at Timothy Branch, Overall Comparison of Trip Generation Existing Zoning versus R-M/L-A-C						
Zoning or Use	Units or Square Feet	AM Pk Hr Trips		PM Pk Hr Trips		Weekday Trips (ADT)
		In	Out	In	Out	
Existing Zoning						
I-1/I-3 - industrial park	3,617,941 square feet	2,077	680	769	2,070	28,950
Proposed Zoning						
R-M/L-A-C - residential	1,217 units	142	538	527	287	8,575
- retail (net of reduction)	85,000 square feet	43	27	204	204	9,350
- office	220,000 square feet	324	48	80	291	3,275
Total		509	613	811	782	21,200
Difference (between bold numbers)		-1,568	-67	+42	-1,288	-7,750

“The site was previously subdivided, and a portion of the site remains within recorded plats (although the preliminary plan approval has expired on a portion of the site). Development on portions of the site that are recorded is subject to a number of conditions that have been placed on Preliminary Plan of Subdivision 4-92048. Among the conditions is one that requires the payment of money toward a Brandywine Road Club, which is intended to assist in funding several ultimate transportation improvements in the area. Even the unrecorded portion of the site, however, is able to utilize the Brandywine Road Club as a means of achieving transportation adequacy. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V master plan. As a part of that resolution, A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by several named properties along with ‘any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George’s County) and Mattawoman Creek.’ This property is one of the named properties; it is also technically along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council resolution.

“This information is provided for purposes of establishing a record and allowing comment upon the scope of future studies as a part of this process. If the zoning is granted, detailed transportation conditions will be imposed at the time of the comprehensive design plan (CDP) and the preliminary plan applications. Nonetheless, based on the materials submitted, at this time sufficient evidence is provided to show that the transportation system as exists, with improvements to be funded and constructed by the applicant and funded and constructed through the Brandywine Road Club, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density.

“Master Plan Impacts and Plan Comments

“In light of the above findings regarding the trip generation of the proposal, it has been indicated in the past two referrals that the rezoning would worsen vehicle travel in the peak directions vis-à-vis the site and that finding has not changed despite the most recent trip generation clarification. There is already severe congestion on roadways leaving the area in the AM peak hour and returning to the area in the PM peak hour. Relieving that congestion was one of the key reasons for having this area in a zoning category that would emphasize employment. In the most recent memorandum, the applicant makes the following arguments:

- “• Aside from the retail reductions, the trip generation analysis assumes no internal trip capture, and even modest reductions associated with internal trip capture would bring the trip impact of the proposal into line with the existing zoning. Past comments purposely not did allow any internal reductions because there was no obvious interaction between uses **except** between the retail use and the other uses. Furthermore, because traffic associated with the other uses must pass by the retail sites routinely, much of the internal trip capture is truly treated as pass-by travel. Nonetheless, it is conceivable that a few trips from the various uses—perhaps 10 to 15 in each peak hour—could be internally captured by other uses within the site.
- “• It is argued that potential peak direction increases north of the site are offset by traffic decreases in the peak direction south of the site caused by the rezoning. Because the traffic network south of the site is primarily within Charles County, there is no demonstration if relief is actually being granted by this rezoning. But within Prince George’s County, links of MD 5 and US 301 are operating at failing service levels today and are projected to operate poorly in the future. Attempting to refocus attention in a different direction does not resolve the problem.
- “• The third major argument raised by the applicant is a consideration that, given that trips are distributed all around the site, the entire increase will not occur solely in the peak direction of traffic. This is probably the strongest argument made by the applicant, and it is conceded that attaching all of the trip growth to the peak direction of traffic is a gross oversimplification.

“The current analysis of trip generation of the two rezoning applications taken together suggests that the proposal would generate 42 inbound additional trips during the PM peak hour (all other elements of trip generation are decreased with the proposal). This quantity could be reduced by possibly ten trips (per the first point above regarding internal capture), and only 60 percent of site trips maximum would be oriented to the peak direction of travel. Therefore, it is conceded that although the proposal would increase inbound traffic during the PM peak hour over the existing zoning, the resulting impact on regional congestion in the peak direction along MD 5 would be minor to the point of being insignificant. Based on the materials submitted, and particularly based upon the

residential densities and uses proposed, it is believed that sufficient evidence is provided to show that the proposed rezonings are not inconsistent with the recommended transportation system in the master plan.

“The area of this basic plan is adjacent to US 301/MD 5 and MD 381. The site straddles the planned A-55 facility, which is shown in the master plan to connect to US 301/MD 5 with a partial interchange, and the A-63 facility (often termed the Brandywine ‘spine road’). Regarding these major facilities, the following comments are offered:

- “1. Right-of-way along US 301/MD 5 must be dedicated consistent with the Subregion V master plan. The area of dedication must include area needed for the planned A-55 interchange, consistent with the Subregion V master plan.
- “2. The plan conceptually shows A-63 with a 120-foot right-of-way consistent with the Subregion V master plan. Full dedication will be required at the time of preliminary plan.
- “3. The A-55 facility should be shown with a right-of-way consistent with the Subregion V master plan, with full dedication required at the time of preliminary plan.

“Conclusions

“Based on the preceding findings, the Transportation Planning Section would conclude 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 of the Prince George's County Code, particularly based upon the proposed residential density and use. The application, if approved, should be approved with the following conditions:

- “1. At the time of comprehensive design plan, the transportation planning staff shall make master plan transportation facility recommendations consistent with the Subregion V master plan.
- “2. At the time of comprehensive design plan and preliminary plan of subdivision, the transportation planning staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:

- “a. MD 5 and Brandywine Road (signalized)
- “b. US 301 and MD 381/Brandywine Road (signalized)
- “c. MD 381 and Mattawoman Drive (unsignalized)
- “d. US 301 and Mattawoman Drive (proposed)
- “e. US 301/MD 5 and proposed A-55 (future)
- “f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
- “g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
- “h. Future Mattawoman Drive and proposed A-55 (future)”

(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 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.

With the recommended conditions, other public facilities are generally considered to be adequate for the uses proposed as indicated in the referral replies below:

In a memo dated April 20, 2007, the Transportation Planning Sections submits the following comments:

“BACKGROUND:

“The applications for the Villages of Timothy Branch request a zoning map amendment from I-3 to L-A-C and R-M. The area of the subject applications is within the industrially zoned land on the east side of US 301. The adopted and approved Subregion V master plan includes two master plan trail recommendations that impact the subject property:

- “• A hiker/biker/equestrian trail along Timothy Branch
- “• A master plan trail along A-55

“With regard to the trail along Timothy Branch, the master plan recommends ‘a multiuse trail along Timothy Branch between Dyson Road and Mattawoman Creek. The plan also provides the following background information regarding this planned trail:

““This trail would be partially located within Employment Area C in a natural setting similar to Schoolhouse Pond in Upper Marlboro. It would primarily serve local residents and employees of the employment park. Once connected to Mattawoman Watershed Park trail and Old Fort Road West trail, this will provide another major loop trail’ (master plan, page 169).

“The area covered by the subject applications (A-9987 and A-9988) was previously approved as part of Preliminary Plan 4-92048. The property was zoned I-3 at the time of that approval, and Condition 17 addressed the master plan trail:

“17. An on-site trail easement shall be shown on the Specific Design Plan(s) and Detailed Site Plan(s) to be part of a contiguous Timothy Branch trail system through Mattawoman Employment Area C.

“This recommendation was consistent with approvals for 4-97124, which is located immediately to the south of the subject site. Condition 21 required the establishment of a trail easement along Timothy Branch at the time of final plat. The trail easement is reflected on Final Plan 203-51.

“Accommodations for this master plan trail should also be provided through the subject site. This can be accomplished by constructing the master plan trail within one of the following:

- M-NCPPC stream valley parkland
- HOA land within a public use trail easement

“SIDEWALK CONNECTIVITY:

“A variety of road cross sections are present in the industrial development surrounding the subject applications. Matapeake Business Drive includes a standard sidewalk along one side just to the south of the subject property. However, to the north Mattawoman Drive includes no sidewalks on either side. In keeping with current best practices, staff recommends the provision of standard sidewalks along both sides of the subject site’s entire segment of Mattawoman Drive, unless modified by DPW&T. Staff also recommends that the internal pedestrian and trail network be evaluated during more detailed phases of review. Sidewalks may be appropriate along both sides of all internal roads. These sidewalks, in conjunction to the master plan trails along Timothy Branch and A-55, will help to make the Villages at Timothy Branch walkable and pedestrian-oriented. Additional neighborhood connector trails may also be recommended during later phases of review.

“RECOMMENDATION:

“In conformance with the adopted and approved Subregion V master plan, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:

- “1. Construct the master plan hiker-biker-equestrian trail along the subject site’s entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the master plan trail to adjacent development envelopes.
- “2. Construct the eight-foot-wide master plan trail along the subject site’s entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.

- “3. Provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.
- “4. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

“The sidewalk and trail network will be evaluated in detail at the time of preliminary plan and SDP. Trail connectors may be warranted to the proposed recreation center and park/school site.”

(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.

Generally, the proposed uses reflect compatibility between the proposed general land use types, the specific land use types, and surrounding land uses. The proposed residential and commercial land uses are distributed in several development pods located along both sides of an arterial road (Mattawoman Drive, A-63) that is planned as an industrial roadway. Each development pod is proposed for a single category of land use, either residential or commercial. The large pod in the northwest section of the property is proposed solely for commercial land use. The three smaller pod(s) located at the northeast corner of the property propose a horizontal mix of residential and commercial development areas located next to each other, but separated in a typical suburban design pattern. Only residential land uses are proposed for the remaining development pods. Several stream corridors that cross the site separate the development pods into distinct neighborhoods that require orientation to the arterial roadway for access. A large warehouse (built according to the existing zoning pattern) is surrounded by this project, but is buffered from proposed residential development on the west side by a stream corridor; commercial development is proposed along the northeast side of the warehouse.

The Urban Design Section, in a memo dated June 19, 2007 provides the following additional comments:

“Land Use and Intensity

“The proposed L-A-C (Local Activity Center) Zone will consist of approximately 72 acres for a mixed-use village center along Brandywine Road with access via existing Mattawoman Drive. The proposed L-A-C Zone is bounded to the east by single-family dwellings in the R-R Zone, to the south by an existing stormwater management pond and an existing industrial warehouse use, to the west is a vacant parcel and beyond is Short Cut Road. The L-A-C will have commercial and residential components. The proposed commercial components include office/retail. The residential components include single-family detached units and multifamily (active adult community) dwellings.

“The proposed R-M Zone is the area south of the proposed L-A-C area, along the extension of Mattawoman Drive. The R-M Zone is bounded on the east by existing

single-family dwellings in the R-R Zone, to the south by vacant lots in the I-1, I-2 and I-3 Zones, to the west by US 301/MD 5, to the north by Short Cut Road, and to the east by the proposed L-A-C area. The total residential area is proposed at the R-M Zone is approximately 262 acres including 19 acres of 100-year floodplain. The proposed use of the R-M Zone consists of approximately 63 acres of residential uses site and mix of residential unit types such as single-family detached dwelling units, townhouses, two-family attached (two-over-two) and multifamily dwelling units.

“Access and Circulation

“The illustrative site plan shows three vehicular access points. The primary access points to the subject site are via Brandywine Road through the proposed L-A-C Zone by use of existing Mattawoman Drive. The applicant proposes to extend Mattawoman Drive through the proposed R-M Zone to the south, which will connect to Mattapeake Drive via a roundabout, and to the west which will connect to US 301/MD 5. A traffic/circulation study should be submitted to the Transportation Planning Division for their review.

“Applicable Regulations

“The project is subject to Subtitle 27. Zoning Part 8. Comprehensive Design Zones, Division 2. Specific Comprehensive Design Zones, Subdivision 2, L-A-C Zone (Local Activity Center), and Subdivision 5, R-M Zone (Residential Medium Development) of the Prince George’s Zoning Ordinance apply, including use list, regulations, general standards, and public benefit features and density increment factors and minimum size exceptions for the district.

“Landscape Manual Conformance

“If the proposal for rezoning is approved, the project will be subject to certain sections of the *Landscape Manual*. These include Section 4.1 Residential Requirements, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, 4.6 Buffering Residential Development from Streets. Although Section 4.7, Buffering Incompatible Uses, does not technically apply in comprehensive design zones, staff uses the requirements of that section as a guide in evaluating buffering between what would be considered incompatible uses under the *Landscape Manual*. The compatibility issues with surrounding uses, both interior and exterior to the development, will be examined at the time of the comprehensive design plan. However, the staff believes that this is the appropriate time to establish required additional bufferyards above the requirements of the *Landscape Manual*, for the purpose of mitigating incompatibility with surrounding and uses. The plan should be revised to clearly include the following bufferyards associated with:

- “1. The mixed residential use pod in the L-A-C adjacent to the existing industrial warehouse in the I-3 and E-I-A Zones should provide a 100-foot buffer.
- “2. The residential use, one-family detached, and mixed-residential use pod to the south, adjacent to the existing I-1-zoned (vacant and development pods) should also provide a 100-foot buffer.
- “3. The one-family detached, mixed-use pod and the residential use pod to its south, adjacent to MD 5/US 301 property in the C-M Zone, should provide a 200-foot buffer from the right-of-way and 100-foot from the C-M-zoned property.
- “4. The residential use pod on the southern boundary adjacent to the I-1 Zone to the south should provide a 100-foot buffer.

“Design Guidelines

“At the time of comprehensive design plan, design standards and guidelines regarding basic style/design, finishing material, and color for buildings and signage should be established for review and approval of specific design plan.

“Urban Design Staff Conclusions

“Based on the above analysis, the Urban Design Section offers the following comments:

- “1. At time of comprehensive design plan, the applicant shall:
 - “a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.
 - “b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.
 - “c. Propose buffering and screening designed to provide compatibility with surrounding uses as follows:
 - “(1) The mixed-use pod in L-A-C adjacent to the existing industrial warehouse in the I-3 and E-I-A Zones should provide a 100-foot buffer.

- “(2) The residential use, one-family detached, and mixed-residential use pod to the south, adjacent to the existing I-1-zoned (vacant and development pods) should also provide a 100-foot buffer.
- “(3) The one-family detached, mixed\use pod and the residential use pod to its south adjacent to MD 5/US 301 property in the C-M Zone should provide a 200-foot buffer from the right-of-way and 100-foot from the C-M-zoned property.
- “(4) The residential use pod on the southern boundary adjacent to the I-1 Zone to the south should provide a 100-foot buffer.

“d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.”

- (2) **Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six 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. [27-195(b)(2)]**

It is anticipated that the construction schedule for the proposed development will not exceed six years.

- (3) **In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:**
- (A) **Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or**
 - (B) **No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.**

The applicant submitted a market study which was reviewed by the Research Section. Based on testimony at the public hearing and the market study submitted by the applicant, the Planning Board believes that there is sufficient unmet consumer demand from within the Village at Timothy Branch L-A-C and nearby residential development to support a neighborhood shopping center of at least 50,000–75,000 square feet. In addition, residents of the adjacent community testified to their desire for the type of

commercial development proposed in this application. The proposed commercial component is therefore needed to serve existing and proposed residential development within the neighborhood.

G. Conformance with the Purposes of the Zones:

Purposes of the L-A-C Zone

(a) The purposes of the L-A-C Zone are to:

- (1) Establish (in the public interest) a plan implementation Zone, in which (among other things):**
 - (A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and**
 - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**

The Planning Board believes that the residential density and the building intensity proposed for the L-A-C Zone is reasonable considering the development will serve as a mixed-use village center for the public. We note that these applications are located in an area designated as a “possible future center” by the 2002 General Plan. While the General Plan policies advocate a higher density and intensity mix of residential, commercial and public facility uses in designated centers, the Board believes the Brandywine Center is unique due to its distance from the Capital Beltway. The Brandywine Community Center is located approximately 8.7 miles from the Capital Beltway. All other centers (there are six) are on average, 2.5 miles outside of the Beltway. The Brandywine Center’s relatively remote location at the southern edge of the County and bordering on the Rural Tier offers more of a “country appeal” to home buyers seeking to live in a community that is somewhat remove the more urban Beltway environs. The proposed center therefore appropriately has a more suburban character than envisioned by the General Plan. In addition, the proposed density and building intensity are dependent on providing public benefit features and related density increment factors.

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

The appropriate regulations, requirements and criteria are set forth in the conditions of approval.

- (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;

The proposed uses are generally compatible with the existing commercial and residential uses as well as with the proposed land uses within the Brandywine center along the US 301 corridor.

(4) Encourage and stimulate balanced land development;

The mix of uses including the residential densities and commercial intensities proposed are in balance with the existing and proposed transportation facilities. The applicant's experts have testified to the Board's satisfaction that the mix of uses are generally consistent with those recommended by the General Plan.

(5) Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve; and

The plan proposes to develop a village center with commercial/office and retail uses which will serve the commercial needs of the existing and future residents.

(6) Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to and activity center.

The basic plan includes housing within the village center. Specifically, the plan proposes to include an "active adult community," a mix of residential unit types, including one-family detached, townhouse, as well as a recreation center.

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:

1. A-9988:

Total area:	72± acres
Land in the 100-year floodplain:	8 acres
Adjusted gross area:	64 acres
Density permitted under the L-A-C Zone:	10–15 du/ac
Permitted dwelling unit range:	640 – 960 du
Floor area ratio:	0.2–0.4 FAR
Proposed commercial/employment:	220,000–270,000 sq. ft.

Proposed Land Use Types and Quantities:
Commercial/office, retail, light industrial

2. At the time of comprehensive design plan, the transportation planning staff shall make master

plan transportation facility recommendations consistent with the Subregion V master plan.

3. At the time of comprehensive design plan and preliminary plan of subdivision, the transportation planning staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)”
4. Construct the master plan hiker-biker-equestrian trail along the subject site’s entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the master plan trail to adjacent development envelopes.
5. Construct the eight-foot-wide master plan trail along the subject site’s entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.
6. Provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.
7. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of preliminary plan and SDP. Trail connectors may be warranted to the proposed recreation center and park/school site.
8. At time of comprehensive design plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.
 - b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.
 - c. Bufferyards for residential pods shall generally meet the minimum requirements established in the Landscape Manual. However, in order to ensure compatibility, bufferyards shall be reviewed further during the CDP process.
 - d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.

9. At the time of Comprehensive Design Plan (CDP) the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of on site a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.
10. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.
11. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.
12. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.

Staff further recommends that approval be subject to the following consideration:

1. If public benefit features are needed and if the applicant and DPR agreed to a twenty acre on-site parkland dedication; the applicant shall provide the needed recreational amenities so that the twenty acre public parkland can serve as a Community Park.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark opposing the motion at its regular meeting held on Thursday, November 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JJ:bjs