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

Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Preliminary Plan 4-09003

Application	**General Data**	
Project Name: Villages of Timothy Branch	Planning Board Hearing Date:	10/21/10
	Staff Report Date:	10/20/10
Location: East side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road).	Date Accepted:	05/11/10
	Planning Board Action Limit:	10/29/10
	Plan Acreage:	334.26
	Zone:	L-A-C/R-M
Applicant/Address: Timothy Brandywine Investments One, LLC Timothy Brandywine Investments Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114	Gross Floor Area:	305,000 sq. ft.
	Lots:	580
	Parcels:	68
Property Owner: Timothy Brandywine Investments One, LLC Timothy Brandywine Investments Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114	Planning Area:	85A
	Tier:	Developing
	Council District:	09
	Election District	11
	Municipality:	N/A
	200-Scale Base Map:	218SE08

Purpose of Application	**Notice Dates**	
A mixed-use residential and commercial development including employment uses.	Informational Mailing	01/14/09
	Acceptance Mailing:	05/10/10
	Sign Posting Deadline:	09/21/10

Staff Recommendation			**Staff Reviewer:** Ray Dubicki **Phone Number:** 301-952-4384 **E-mail:** Raymond.Dubicki@ppd.mncppc.org
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-09003
Villages of Timothy Branch
580 lots, 68 parcels, and 1 outlot

OVERVIEW

The subject property is located on Tax Map 145 in Grid B4 and is divided into two portions. The northern portion of the site is known as Parcels A through G of the Brandywine Commerce Center, zoned L-A-C (Local Activity Center) and R-M (Residential Medium Development). Parcel E is not a part of this application. The subject property is partially cleared and some infrastructure is constructed. The southern portion of the site is known as unrecorded Parcels 4, 13, 19, and 25, zoned R-M. This portion of the site is undeveloped. The subject property consists of 72.26 acres of land in the L-A-C Zone and 262 acres of land zoned R-M, for a total of 334.26 acres. The applicant proposes to construct 1,200 dwelling units of mixed residential types and 305,000 square feet of commercial and office development.

The site has been the subject of a series of development applications. Predating the current development proposal, Preliminary Plan of Subdivision 4-92048 (PGCPB Resolution No. 92-187) was approved for the Brandywine Commerce Center in May 1997. This approval was for the development of 4,012,846 square feet of industrial park space on 372.24 acres. It was at this point that Lot E was platted and developed. Less the 28 acres of Parcel E that is not included in this application, the remaining site in this application is 334.26 acres. Lot E remains in the E-I-A (Employment and Institutional Area) Zone and is currently developed with a warehouse.

The northern portion of the site has been platted as Parcels A through G. The remainder of the site was not platted within six years from July 23, 1992, the adoption date of PGCPB Resolution No. 92-187. This is the validity period allowed by Section 24-119(d)(7) of the Subdivision Regulations for industrial zones and nonresidential areas within a comprehensive design zone. No extensions were filed and the preliminary plan expired.

The current development proposal of mixed uses was initiated in 2008. On June 16, 2008, the property was rezoned to the R-M and the L-A-C Zones through District Council approval of Zoning Map Amendments A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program and included 12 conditions and one consideration.

Commensurate with the comprehensive design zones, on October 7, 2010, the Planning Board approved Comprehensive Design Plan CDP-0901 for the development of the L-A-C-zoned portion of the site and CDP-0902 for the R-M-zoned portion of the site. Staff has worked since this approval to review the application for compliance with the 90 conditions associated with these approvals. The applicant has provided several exhibits reflecting revisions based on these approvals. Where it is possible to find compliance, staff has done so. In some instances, such as the buffering of trails or the final location of

multifamily buildings, staff has provided conditions that allow the applicant to move forward with this approval with conditions and findings that detail changes to be shown in future applications.

Access to the site is provided by Mattawoman Drive, an arterial road, from its connection with Brandywine Road (MD 381) in the north and a future continuation in the south. There is no connection proposed to US 301/MD 5. It is anticipated that Mattawoman Drive will become a significant north-south spine road connecting several developments on the east side of US 301/MD 5. It is along this arterial that the main bicycle/pedestrian sidepath will be located.

These major roads present several development challenges. Noise from these roads impacts most of the property. Significant mitigation will be required to reduce the impact of noise inside buildings and throughout the site. Particular attention will be paid to those residential properties that are proposed to back up to the freeway. Mattawoman Drive also divides the east and west sides of the property. Staff has worked with the applicant to prevent this street from becoming a barrier to the community and provide safe connections for pedestrians and residents to cross the street. This is particularly true at the center of the site, where trails, open space, and increased density look to create some sense of community.

The Timothy Branch stream valley runs along the entire east side of the property, with associated floodplain, wetlands, and primary management area (PMA). A branch of this stream bisects the property. In most cases, the applicant has avoided impacting this area. This should preserve a strong environmental resource and create a significant amenity for the residents.

Together, the roadways and environmental features turn a fairly large site into a relatively narrow development. Staff recognizes that some impacts of these constraints will not be fully realized before the review of building architecture, proposed uses, and facility design. The site will be the subject of specific design plans (SDP) in the future. In certain instances, such as the design of trail facilities and the location of multifamily units, staff has recommended conditions that establish firm boundaries and standards for development, with the specifics to be determined at the time of SDP.

SETTING

The property is located on the east side of US 301 at its intersection with MD 5. The northern portion of the property is zoned L-A-C and the southern portion is zoned R-M. The site completely surrounds Parcel E, zoned E-I-A, which is currently used for an H.H. Gregg warehouse. Also, the property surrounds the Southern Maryland Oil gas station on the east side of US 301/ MD 5, which is zoned C-M (Miscellaneous Commercial). Properties across Brandywine Road are zoned M-X-T (Mixed Use-Transportation Oriented). They are currently vacant, with the developments of Stephen's Crossing and Brandywine Business Park proposed. Properties bounding the northwest edge of the property and across Short Cut road are zoned I-1 (Light Industrial). These are used for automobile sales and salvage. Across US 301/MD 5, land is zoned M-X-T and is currently undeveloped. To the south of the site is the Brandywine Crossing shopping center, which is zoned C-S-C (Commercial Shopping Center), I-1 and I-2 (Heavy Industrial). Property to the east is zoned R-R (Rural Residential) and developed with single-family detached residences.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-M (262.acres) L-A-C (72.26 acres)	R-M(262. acres) L-A-C (72.26 acres)
Use(s)	Undeveloped	Mixed Residential, Commercial Retail and Office
Acreage	334.26	334.26
Lots	0	580
Outlots	0	1
Parcels	10	68
Dwelling Units:	0	1,200
One-family Detached	0	101
One-family Semidetached	0	100
Townhouse	0	379
Two-family Attached	0	352
Multifamily	0	268
Retail/Commercial	0	305,000 sq. ft.
Public Safety Mitigation Fee	No	Yes

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 28, 2010. The requested variation to Section 24-121(a)(4) was accepted on July 30, 2010, as discussed further in this report, and was also heard on August 6, 2010 at SDRC as required by Section 24-113(b).

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan and Type 1 Tree Conservation Plan (TCP1-151-90-02) for the Villages of Timothy Branch, stamped as received by the Environmental Planning Section on August 19, 2010, and other supplemental information. The following comments are provided based on the additional information submitted and the approval of CDP-0901 and CDP-0902.

Revised plans for CDP-0901 and CDP-0902 were submitted on July 21, 2010 for the subject property and approved by the Planning Board on October 7, 2010, subject to conditions. The Environmental Planning Section recommends approval of Preliminary Plan 4-09003 and Type 1 Tree Conservation Plan TCP1-151-90-02 subject to conditions.

Background

The Environmental Planning Section has reviewed this site extensively in the past. The pertinent cases begin with Preliminary Plan 4-92048 (Brandywine Commerce Center) with associated Type I Tree Conservation Plan TCPI/151/90 for a 372.24-acre tract which was approved subject to PGCPB Resolution No. 92-187. The preliminary plan for this site indicated that development would occur in six phases. Subsequently, a Type II Tree Conservation Plan, TCPII/68/93, was approved for Phases I and II on the northern end of the property for the purposes of constructing stormwater management ponds and nontidal wetland mitigation areas. A Type II tree conservation plan (TCPII) was also approved for Phases III through VI (the southern portion of the property) for the purpose of installing a culvert in the Timothy Branch stream valley, which

was required for the extension of master-planned Mattawoman Drive. This culvert was never installed, and Phases III through VI were never platted. The preliminary plan subsequently expired.

In 1997, Detailed Site Plan SP-97012 and Specific Design Plan SDP-9703 were approved for a 28.45-acre site in the Brandywine Commerce Center which straddled the I-3 (Planned Industrial/Employment Park) and E-I-A Zones for the development of a Circuit City Warehouse, and a separate Type II Tree Conservation Plan, TCPII/42/97, was approved for the area of TCPII/68/93 located on the northwest side of Mattawoman Drive in conformance with TCPI/151/90. A lot line adjustment was subsequently platted for Parcel E, which was developed in accordance with the approved plans. No other development has moved forward on the site since that time.

Two Zoning Map Amendments, A-9987-C and A-9988-C, were requested in 2007 affecting 334.26 acres of the original Brandywine Commerce Center site (Parcel E containing 28.53 acres was excluded from these applications). Zoning Map Amendment A-9987-C proposed the rezoning of approximately 72 acres at the northern end of the site from the I-3 Zone (a conventional zone) and E-I-A Zone (Employment and Institutional Area, a comprehensive design zone) to the L-A-C Zone (Local-Activity-Center, a comprehensive design zone).

Zoning Map Amendment A-9988-C proposed the rezoning of approximately 262 acres of the site from the I-3 and E-I-A Zones to the R-M Zone (Residential Medium Development, a comprehensive design zone).

The two zoning map amendments were approved by the District Council subject to conditions contained in Zoning Ordinance No. 17-2008 on June 16, 2008.

The Environmental Planning Section reviewed the separate Comprehensive Design Plans (CDP-0901 and CDP-0902) along with the joint Type 1 Tree Conservation Plan (TCP1-151-90-01) for the R-M and L-A-C-zoned sections of the Villages of Timothy Branch, as approved.

The current application is a preliminary plan for the development of 334.26 acres in the R-M and L-A-C Zones.

Site Description

The subject property is 72.26 acres in the L-A-C Zone and 262.00 acres in the R-M Zone located in the southeast quadrant of the intersection of Crain Highway (US 301) and Brandywine Road (MD 381) Road. Current air photos indicate that two-thirds of the site is wooded. This site contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed and the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. Brandywine Road (MD 381), which borders the site on the north, is a designated historic road. The portion of Brandywine Road west of Mattawoman Drive is classified as an industrial road in the *Approved Countywide Master Plan of Transportation* (MPOT) as is Short Cut Road, which is also adjacent to this site. The section of Crain Highway (US 301), which borders the site to the west, is a master-planned freeway and an existing source of traffic-generated noise. Mattawoman Drive and A-63, which are internal to the site, are both classified as arterials which are generally regulated for noise impacts when associated with residential development. According to the *Prince George's County Soil Survey*, the principal soils

on the site are in the Beltsville, Bibb, Croom, Elkton, Iuka, Leonardtown, and Sassafras series. Marlboro clay does not occur in this area. The site is in the Developing Tier according to the *Prince George's County General Plan.* According to the *Approved Countywide Green Infrastructure Plan*, the stream valley along the eastern boundary is a regulated area and the majority of the property is an evaluation area, with small areas of network gap.

Conformance with the General Plan

The Environmental Infrastructure chapter of the General Plan contains policies and strategies applicable to preservation, enhancement, and restoration of the natural environment and its ecological functions as the basic component of a sustainable development pattern. The following policies and strategies are applicable to the current review.

Policy 1: Preserve, protect, and enhance the designated green infrastructure elements.

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

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern.

> **Strategy V. Meet the requirements of the Woodland Conservation Ordinance on-site to the fullest extent possible within the Mattawoman watershed. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.**

Policy 5: Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures.

Policy 7: Minimize impacts of noise on residential uses during the land development process.

The above listed policies, as well as the specific strategy related to the Mattawoman Creek watershed, are discussed below as part of the findings of conformance with the Green Infrastructure Plan, subregion master plans, and the overall review of the proposal.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the Countywide Green Infrastructure Plan, which are consolidated along the stream corridor located along the eastern border of this site. The submitted application shows the preservation of the regulated areas and areas adjacent to the regulated areas, in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

The Mattawoman Creek stream valley was designated as a special conservation area in the Green Infrastructure Plan because its associated stream basin is among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The quality of the water entering the stream system in the watershed is of particular concern, and when evaluation areas occur within the watershed, woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas and protect water quality, as discussed further.

The following policies are applicable to the review of the subject application:

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

The subject property contains regulated areas, evaluation areas, and network gap areas as identified in the Countywide Green Infrastructure Plan located within the Mattawoman Creek watershed, which is a primary corridor and a special conservation area.

As noted above, it appears that the submitted application shows the preservation of regulated areas and areas adjacent to the regulated areas, in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

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

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices. It is recommended that environmental site design techniques be applied throughout this site, to the fullest extent practicable, because this site may be subject to the new stormwater management regulations. The stormwater management concept approval letter states that six wet ponds are proposed to be used to meet the stormwater management requirements.

All future specific design plan submission packages should include a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques to the maximum extent practicable.

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

This policy is superseded by the General Plan policy and strategy to meet the requirements of the woodland conservation on-site to the fullest extent possible within the Mattawoman watershed, or if off-site mitigation is required, to provide it within the Mattawoman watershed.

The TCP2 for the subject property should demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it should be provided within the Mattawoman watershed. The use of fee-in-lieu is discouraged.

Conformance with the Subregion 5 Master Plan

The subject property is located within the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment.* The protection of the regulated environmental features proposed on the CDP and associated TCP1 is in general conformance with the guidance provided by the master plan.

The ultimate public rights-of-way associated with the subject property (both state and county) conform with the transportation improvements approved with the Subregion 5 Master Plan and the Master Plan of Transportation.

The CDP and TCP1 must be revised prior to certification to show the transportation improvements approved with the Subregion 5 Master Plan, the Master Plan of Transportation, and the US 301 Upgrade Option as determined by the Transportation Planning Section. The preliminary plan and associated TCP1 should also reflect the transportation improvements as shown on the certified CDP plan.

Conditions of Previous Zoning Approvals

Brandywine-Mattawoman SMA: The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the R-R (Rural Residential) Zone to the I-3 and E-I-A Zones.

Subregion V Approved Master Plan and SMA: The 1993 Approved Subregion V Master Plan and Sectional Map Amendment retained the property in the E-I-A and I-3 zoning categories.

There were no conditions associated with these previous zoning approvals.

Zoning Map Amendment A-9989-C: The subject property was rezoned to the R-M Zone by the District Council (Zoning Ordinance No. 17-2008) effective July 11, 2009, subject to conditions and one consideration. The conditions, which are environmental in nature, are shown in bold and are addressed below:

9. 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.

A revised Natural Resources Inventory (NRI-002-07/01) for the subject property, in conformance with environmental legislation effective September 1, 2010, was approved on August 19, 2010. The preliminary plan has been revised to correctly show the regulated environmental areas of the site based on the revised NRI.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

A revised Type 1 Tree Conservation Plan (TCP1-151-90/01) was submitted with the current application. A condition is proposed below to address this requirement. The proposed condition would require the threshold and the replacement requirements for clearing below the threshold to be provided on-site.

Conformance with the Conditions of Approval for CDP-0901
The following conditions, indicated in bold, were approved as part of CDP-0901 and are environmental in nature:

7. Prior to certificate approval of the comprehensive design plan:

a. The TCP1 shall be revised as follows:

(1) Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.

(2) Revise the TCP1 to conform to the ultimate rights-of-way for the CDP as determined by the Transportation Planning Section based on the Subregion 5 master plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.

c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

These revisions to the CDP and TCP1, prior to certification, must also be addressed on the preliminary plan of subdivision and its associated TCP1.

Prior to signature approval of the preliminary plan, the TCP1 should be revised to show the provision of the total of the woodland conservation threshold for the site, plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard will be maintained on all future tree conservation plans.

The TCP1 should reflect the ultimate rights-of-way as approved on the preliminary plan, and the CDP and the TCP1 should be revised to show a minimum 40-foot-wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

8. Prior to the approval of a specific design plan, the following shall be provided:

c. The design of the landscape bufferyard treatment proposed adjacent to the land use envelope for the development pods fronting on Brandywine Road should compliment the landscape and buffer treatments proposed on Lots 21 and 22, Stephen's Crossing, located on the north side of Brandywine Road, or any other development thereon approved by the Planning Board, and shall be addressed with the approval of the SDP.

n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.

10. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

12. Construction/building shells for all office buildings, fronting on Mattawoman Drive, proposed within the 65dBA LDN noise contour or higher, should be designed to reduce noise levels.

The above conditions are applicable to the acceptance or the approval of any SDP and shall be addressed as part of those applications.

19. The applicant shall be responsible for tree mitigation required for the construction of Phase 1 recreational facilities in Brandywine Area Community Park, which shall be provided on-site and/or off-site on parkland owned by M-NCPPC.

The above condition will be addressed during the review of the TCP for the development of the Brandywine Area Community Park.

Conformance with Conditions of Approval for CDP-0902
The following conditions, indicated in bold, were approved as part of CDP-0902 and are environmental in nature. Some of the conditions listed below are redundant of conditions required by CDP-0901, and only need to be addressed once under the preliminary plan, which covers both CDPs.

6. Prior to certificate approval of the comprehensive design plan, the TCP1 shall be revised as follows:

a. Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.

b. Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.

c. Provide the minimum required widths and areas for preservation and afforestation areas.

d. Meet the requirements of the Environmental Technical Manual with regard to standard notes.

e. Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).

f. Eliminate woodland conservation from proposed ultimate rights-of-way and easements.

g. Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.

h. Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.

i. Revise the woodland conservation worksheet to reflect all of the revisions included above.

j. Have the revised TCP1 signed and dated by the qualified professional who prepared it.

Because the CDP and TCP1 have not received signature approval, these conditions should also be addressed under the preliminary plan prior to signature approval.

7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.

8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

The above conditions shall be addressed during the review of any specific design plan and the associated TCP2.

9. Prior to certificate approval of the CDP, the TCP1 shall be revised to conform to the ultimate right-of-ways for the CDP as determined by the Transportation Planning Section based on the Subregion 5 Master Plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.

The conditions to address the ultimate rights-of-way on the preliminary plan and TCP1 are included in the Recommendation section of this report.

10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.

A variation request for impacts to the primary management area (PMA) was submitted on August 2, 2010. However, ordinance changes effective September 1, 2010, the requirement to disturb the PMA requires only a statement of justification and a finding of preservation and/or restoration to the fullest extent possible. The letter previously received with the variation request is accepted as the statement of justification for the review of the PMA impacts proposed.

The statement of justification has been evaluated in the Environmental section of this report; however, the final design of PMA impacts will need to be evaluated further at the time of SDP. At that time, one of the required findings is that the "regulated environmental features of the site have been preserved and/or restored to the fullest extent possible." The final design of all PMA impacts will be addressed using this required finding at the time of SDP.

11. If revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.

The extent of the proposed impacts to the regulated environmental features, after revisions were made to the NRI, preliminary plan, and TCP1, have not been quantified on the application in such a way that a determination can be made regarding whether or not mitigation is required. It appears that the impacts proposed exceed the thresholds that would result in the need for stream and/or wetland mitigation; although, due to the fact that additional revisions to the plans are needed, it is not possible at this time to make this determination.

Because of the general concurrency of the review of the CDP and the preliminary plan, it was not possible to obtain specific information regarding mitigation sites and types. The specific information regarding mitigation sites and a conceptual mitigation plan for the selected sites should be provided with the submission of the first SDP for the project.

Possible mitigation sites have been identified on the stream corridor assessment. If mitigation is required, the mitigation will include stream restoration and/or stabilization, wetland creation, and erosion control projects. Conformance with the above CDP condition can be found with appropriate conditions regarding the method for plan preparation.

If the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, the first SDP submission package must include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible mitigation sites will be as follows: the Stream Corridor Assessment database will be researched by the applicant and a list of possible mitigation sites be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation will be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

12. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

This condition will be addressed prior to acceptance of any SDP.

13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.

A variance for removal of Specimen Tree No. 3 will be evaluated with the associated SDP and TCP2.

14. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.

A TCP2 is reviewed in association with a SDP. Submittal of a site development stormwater management plan will be required with the SDP application if woodland conservation credits within a stormwater management easement are proposed.

15. Prior to certification approval of the CDP, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.

All development applications are now subject to the requirements of Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, which must be demonstrated at each step in the development review process. The TCP1 submitted includes a note addressing tree canopy coverage (TCC), but a schedule has been developed by the Environmental Planning Section, which provides a more consistent approach to demonstrating compliance which addressed both tree canopy coverage provided by woodland conservation and that provided by landscape trees. Prior to signature approval of the preliminary plan, a TCC schedule should be included on the TCP1 indicating how the TCC requirement has been fulfilled.

16. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

An appropriate condition has been included in the Recommendation section of this report and will be addressed with any future SDP and associated TCP2.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

The above condition will be addressed with any future SDP which proposes residential units.

18. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

The above condition will be addressed prior to the issuance of building permits for residential uses.

19. All SDPs for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

> **"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."**

The above condition will be addressed with any future SDP.

22. Prior to the issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including single-family and multifamily units, the applicant shall provide to the Department of Parks and Recreation (DPR), for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities for the Brandywine Area Community Park.

23. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area community Park.

24. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.

25. The applicant shall be responsible for woodland conservation requirements for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park and it shall be provided on-site and/or off-site on parkland owned by M-NCPPC.

The above conditions relate to the development of required recreational facilities off-site at the Brandywine Area Community Park. A recommended condition requires that, prior to the issuance of 20 percent of the residential building permits, construction drawings and specifications for recreational facilities and related stormwater management facilities for Phase 1 development of the Brandywine Area Community Park be submitted to the Department of Parks and Recreation (DPR). The condition above does not include the required TCP2 that is necessary with the proposed projects.

Prior to the issuance of building permits for 20 percent of the residential units within this preliminary plan, including single-family and multifamily units, the applicant should provide to DPR an approved TCP2 for the construction of the Phase 1 recreational facilities at the Brandywine Area Community Park. If off-site woodland conservation on parkland is proposed to fulfill the woodland conservation requirements for Brandywine Area Community Park, the applicant will be responsible for preparing a TCP2 or revising an existing TCP2 demonstrating how the requirement will be fulfilled. If off-site woodland conservation on parkland is required, then a woodland conservation transfer certificate will be submitted to the Planning Department prior to the issuance any grading permits for the Brandywine Area Community Park.

Conditions of Prior Preliminary Plan Approvals
Preliminary Plan 4-92048 was approved in 1992, subject to conditions contained in PGCPB Resolution No. 92-187. The only portion of the subject property zoned R-M, platted under Preliminary Plan 4-92048, was Parcel G (NLP 180 @ 31). This portion of the subject property includes a 30-foot-wide landscape buffer adjacent to Short Cut Road, as well as 100-year floodplain, wetlands, wetland buffers, and non-disturbance buffers. The portion of Parcel G which was included in the R-M rezoning is proposed to remain undisturbed, except for a small area of afforestation proposed along the northern boundary with Parcel G. The preliminary plan has since expired.

The proposed comprehensive design zone will require subdivision of the subject property, excluding Parcel E. The current application fulfills this requirement.

Environmental Review
As revisions are made to the plans submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

Review of the Natural Resources Inventory
A revised Natural Resources Inventory (NRI-002-07/01) for the overall Villages at Timothy Branch was approved August 13, 2010. The revised NRI reflects the enlarged stream buffer widths approved by the County Council on July 13, 2010, which became effective September 1, 2010. All associated plans have been revised to correctly reflect the larger stream buffers and the regulated environmental features as delineated on the NRI. No additional information is required with regard to the NRI.

Impacts to the Primary Management Area
Nontidal wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property in accordance with Section 24-101(b)(22) of the Subdivision Regulations. The preliminary plan and NRI correctly reflect the required stream buffers.

Section 24-130(b)(5) of the Subdivision Regulations requires that the PMA be preserved in a natural state to the fullest extent possible. The methods to determine fullest extent possible are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and where necessary, mitigation. The manual also describes what types of impacts are considered necessary and the types that should be avoided.

A variation request for eight PMA impacts was received on August 2, 2010, and was discussed at the Subdivision and Development Review Committee (SDRC) meeting on August 5, 2010. The variation request has been accepted as a statement of justification, although it does not address how impacts have been avoided and/or minimized in the design of the subject application. The area of impacts increased in areas where the NRI was revised in accordance with Subtitle 24.

The individual impacts proposed are evaluated in the table below:

Impact No.	Type of Impact	Area of PMA Impacts	Wetland Impacts?	Evaluation of PMA impact
1	Construction of stormwater management pipes and outfall under Mattawoman Drive	33,761 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
2	Stormwater outfall and sewer line connection	7,997 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
3	Construction of Mattawoman Drive	9,252 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
4	Road construction of Road H	10,035 s.f.	No	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
5	Construction of berm adjacent to US 301/MD 5	15, 575 s.f.	No	Berm can be shifted farther onto the subject property to protect the PMA; avoidance criteria have not been met. **Impact not supported.**
6	Construction of master planned hiker-biker trail and sewer line connections	18,894 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
7	Construction of master planned hiker-biker trail and sewer line connections	11,695 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
8	Construction of a sewer connection	5,632 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
Total		112,841 or 2.59 acres		

All of the requested impacts are supported by the Environmental Planning Section, except for Impact 5 for construction of the noise berm along US 301 because the criteria for avoidance and minimization have not been met. In this case, shifting the berm to the east will avoid the proposed impacts.

If the preliminary plan and TCP1 are revised to eliminate Impact 5, the regulated environmental features on the subject property can be found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted

for review. The impacts approved are for the installation of sanitary sewer lines, construction of master-planned roads, installation of stormwater management outfalls, and connection to a trunk sewer line.

Regulated Environmental Features

At the time of final plat, a conservation easement is required to be placed over the regulated environmental features to be preserved and over those areas that are being counted toward meeting the requirements of the Woodland and Wildlife Habitat Conservation Ordinance. The approval of the final plat will occur after the approval of the associated specific design plan so that the areas to be preserved and/or planted will be clearly delineated. Approval of the final plat should not occur until after approval of the associated specific design plan that shows all of the proposed development, the associated building envelopes, and the areas to be preserved and/or planted. This final plat should show a conservation easement with required notes and permit information per the recommended conditions.

Woodland and Wildlife Habitat Conservation Ordinance

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the entire site has a previously approved Type I tree conservation plan and portions of the site have an approved Type II tree conservation plan.

A Type I Tree Conservation Plan (TCPI/151/90) was approved for the overall site application when the pre-1993 woodland conservation threshold (WCT) standard of 10 percent of the net tract area for industrial zones was required with no replacement required for clearing.

The Maryland Forest Conservation Act (FCA) passed by the General Assembly in 1991 established minimum WCT requirements for local authorities that were greater than those previously established by county legislation. As a result, the WCT for industrially-zoned properties in the county was raised to 15 percent of the net tract area. The FCA also required "replacement" in the calculation of the woodland conservation requirements for the site; this was intended to provide a disincentive for the clearing of trees excessively in the development process. In 1993, county regulations were revised to include these provisions.

The Brandywine Commerce Center (TCPI/151/90) was grandfathered under the requirements of the pre-1993 ordinance and, as a result, the woodland conservation requirement for the overall property was 31.53 acres based on a net tract area of 315.31 acres. Type II Tree Conservation Plans TCPII/68/93, TCPII/84/93, and TCPII/42/97 were subsequently approved under the pre-1993 requirements, in conformance with the previously approved TCPI.

With the recent rezoning of the property, except for Parcel E which remained in the E-I-A Zone, the subject property was changed to the R-M and L-A-C Zones. Because the development pattern proposed is significantly different than the previous approval, this property is no longer grandfathered under the requirements, and will now need to meet the requirements of the current Woodland Conservation Ordinance. The L-A-C Zone has a 15 percent WCT. The R-M Zone has a 20 percent WCT.

Woodland conservation for Parcel E, to the extent required, has been accounted for on the revised plans submitted. The area of the previously approved TCPII (TCPII/042/97) was included in the original TCPI approval and the woodland conservation requirement was calculated and fulfilled in accordance with the pre-1993 ordinance. Notes on that TCPII state that:

> **"The tree preservation requirements for this project were fully accounted for as part of the approved Brandywine Commerce Center, Phase I & Phase II Type II TCPII/68/93. Any clearing of the previously established preservation areas will be reforested in accordance with these plans."**

Additional notes on the TCPII indicate that the woodland conservation requirement for Parcel E was determined to be 2.55 acres, and that 0.58 acre were provided in on-site preservation and 0.24 acre were provided through on-site reforestation. Therefore, 1.73 acres of woodland conservation was required for Parcel E on the remainder of the Brandywine Commerce Center property. The revised TCP1 demonstrates the fulfillment of this requirement on the remainder of the property.

Woodland Conservation and Clearing

The TCP1 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.64 acres of wooded floodplain. The TCP1 encompasses the land area that is included in both CDP-0901 and CDP-0902 for The Villages of Timothy Branch.

The TCP1 proposes clearing 144.30 acres of upland woodlands and 1.06 acres of wooded floodplain. The WCT for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed with the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCPII/42/97) is 109.80 acres. The plan proposes to meet the requirement with 28.76 acres of on-site preservation, 45.74 acres of afforestation, and 33.57 acres of off-site mitigation in fulfillment of the woodland conservation requirements for the site.

Because much of the site is located within a designated evaluation area of the Countywide Green Infrastructure Plan and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas to widen stream buffers and protect sensitive environmental features is also recommended. In addition, the strategies contained in the General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, it be fulfilled within the Mattawoman Creek watershed.

The WCT for the subject property is 53.77 acres. The revised TCP1 proposes to provide 74.50 acres of woodland conservation on-site; this exceeds the WCT for the site plus the 2:1 replacement requirement for on-site clearing below the threshold (53.77 acres plus 23.17 acres equals 76.94 acres). The concept of providing the threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible; however, the submitted TCP2 does not fulfill this standard. Revisions to the submitted TCP1 and the provision of notes on the final plat are required. The woodland conservation requirements should be fulfilled on-site or within the Mattawoman Creek watershed.

Technical Revisions to the TCP1
The TCP1 requires technical revisions to meet the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO), approved by the County Council on July 13, 2010 and effective September 1, 2010.

Section 25-122(b)(1)(I) and (J) of the WCO sets the minimum sizes for woodland preservation and afforestation areas. The minimum width for woodland preservation and afforestation areas is 50 feet wide and the minimum contiguous area is 10,000 square feet. The minimum dimensions for landscaped areas are 35 feet wide and 5,000 square feet in area. Landscaped areas must also contain at least 50 percent trees.

It appears that there are areas shown on the TCP1 that do not meet these minimum standards. The plan must be revised to meet these minimum standards and all of the design criteria contained in Section 25-122. For example, Preservation Areas PA-1 and PA-2 are very small and impractical to preserve. It also appears that PA-2 is within a master-planned right-of-way and, as such, cannot be counted. Reforestation Area RA-2 contains several locations that do not meet the minimum width standards, resulting in several fragmented areas that will not meet the minimum size requirements. A complete analysis of the proposed preservation and afforestation areas must be conducted by a qualified professional prior to submission for signature approval to ensure that the plans meet the minimum standards of Subtitle 25.

Section 25-122(b)(1)(O) requires woodland conservation areas to be shown no closer than 20 feet from the sides of all commercial buildings. Unless a justification is provided regarding an alternative placement of utilities and access points to the rears of townhouse lots, a 10-foot-wide unobstructed area must be maintained around all sides and rears of each stick of townhouses, or duplexes in this case. This clear access zone should be unobstructed by woodland conservation areas, landscaping, or noise mitigation measures.

It appears that woodland conservation is being proposed within the proposed rights-of-way of public roads. Section 25-122(b)(1)(N) contains restrictions for the placement of woodland conservation within rights-of-way. The plans should be revised accordingly.

The specimen tree table must be revised in accordance with the condition analysis procedure contained in the Environmental Technical Manual, and the proposed disposition of the specimen trees must be included in the specimen tree table. The table also lacks the required note regarding the method of location of the specimen trees (field located or surveyed). On a TCP1, the trees are only required to be field located; however, at the time of TCP2 review, the trees must be survey located.

If any of the minimum standards of Subtitle 25 cannot be met and a variance request associated with the CDP was not approved for a certain design feature, then the TCP1 associated with this application must meet all of the minimum standards.

Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or letter of exemption. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy. It appears that this property will be able to meet the requirement by using the existing woodlands that are proposed to be preserved (the woodlands within the 100-year floodplain may be counted toward meeting the tree canopy coverage requirement).

Soils
According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, and Leonardtown series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. The Prince George's County Department of Public Works and Transportation (DPW&T) may require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review.

General Plan Noise Standards
Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

Crain Highway (US 301) is an existing source of traffic-generated noise, and a master-planned freeway. Using the Environmental Planning Section (The Maryland-National Capital Park and Planning Commission (M-NCPPC)) noise model, the anticipated 65 dBA Ldn noise contour would lie 690 feet from the center line of US 301. Because the closest point of development in the L-A-C-zoned portion of the site is located over 1,500 feet from US 301, there is no need to mitigate transportation-related noise impacts within the L-A-C-zoned portion of the site for US 301.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. The Subdivision Regulations require that residential development adjacent to an arterial roadway provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts on proposed residential areas in the L-A-C Zone along the southeast side of Mattawoman Drive.

The conclusion of the noise study (page 14) indicates, in part, that:

> "Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn…Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers."

Previous comments requested that the TCP1 and preliminary plan be revised to show the location of the unmitigated 65 dBA Ldn noise contours. The TCP1 and preliminary plan have been revised to show the unmitigated 75, 70, and 65 dBA Ldn noise contour at ground level for the portion of Mattawoman Drive north of Road N. The entire length of Mattawoman Drive north of A-55 is classified as an arterial (A-63), so the unmitigated noise contours must be delineated for the entire length of Mattawoman Drive on the subject property.

The TCP1 and preliminary plan have been revised to show the location of all unmitigated noise contours of 65 dBA Ldn or greater adjacent to roads classified as arterials or higher. The plans also show conceptually how noise mitigation will be provided.

Brandywine Road
Brandywine Road (MD 381) runs along the northern boundary of the subject property, and was designated in the Subregion VI Master Plan (1993) as a historic road. Because Brandywine Road is a state road, it is not subject to the Design Guidelines and Standards for Scenic and Historic Roads adopted by DPW&T, and is subject to road improvements as determined by the Maryland State Highway Administration (SHA).

SHA has adopted a policy of implementing context sensitive solutions (CSS) for road construction, which applies to all of SHA's projects. Context sensitive solutions result from a collaborative, interdisciplinary approach to developing and implementing transportation projects, involving all stakeholders to ensure that transportation projects are in harmony with communities and preserve and enhance environmental, scenic, aesthetic, and historic resources while enhancing safety and mobility. Prince George's County has a special interest in encouraging context sensitive solutions when state roads are also county-designated scenic and historic roads.

The previous master plan for Subregion V (1993) classified Brandywine Road as an industrial road west of Mattawoman Drive. East of Mattawoman Drive, passing over the Timothy Branch stream valley and towards adjacent residential zoning, Brandywine Road was proposed to remain a collector (C-613).

The recently approved Master Plan for Subregion 5 (2009) retains the collector classification for the portion of the roadway east of Mattawoman Drive, and upgrades the previous industrial roadway west of Mattawoman Drive to collector status. As previously noted, Record Plat NLP 181 @ 41 delineates a 30-foot-wide landscape buffer associated with the subject application in the following locations: the south side of Short Cut Road, the south side of Brandywine Road, and the west side of Mattawoman Drive. This 30-foot-wide landscape buffer was required in order to conform to the buffer requirements of the prior I-3 zoning.

The design and implementation of any road improvements to Brandywine Road required by this project must include context sensitive solutions and the review should be coordinated with SHA and the Transportation and Environmental Planning Sections of M-NCPPC. The preliminary plan should be revised to address all CDP conditions regarding roadway buffering.

Stormwater Management
The Stormwater Management Concept Approval Letter and Plan (11355-2009-00), approved on May 26, 2009 by DPW&T, was submitted with this application which included sixteen conditions of approval and five traffic safety comments. No further information about the stormwater management concept approval letter or plan is necessary at this time. A site development stormwater management plan is required to be reviewed with the SDP for the site. This plan should be submitted as part of the SDP submittal requirements and reviewed along with the SDP.

3. **Variation for Lot Depth—**The applicant requests a variation from Section 24-121(a)(4) of the Subdivision Regulations for the purpose of reducing the required residential lot depth adjacent to Mattawoman Drive, a designated arterial road, and US 301/ MD 5, a designated freeway.

Section 24-121(a)(4) of the Subdivision Regulations establishes design guidelines for lots adjacent to existing or planned arterial roads and freeways. This section requires that lots adjacent to arterials be platted with a minimum depth of 150 feet. Lots adjacent to freeways shall be platted with a depth of 300 feet. This requirement provides ample space to create adequate protection from traffic nuisances including berms, plantings, and fencing, as well as the option of establishing a building restriction line where appropriate. The ordinance uses the word adjacent which is defined in Section 27-107.01 of the Zoning Ordinance as nearby, but not necessarily sharing a common point or property line ("abutting," "adjoining," or "contiguous").

This property is bounded on the west side by US 301/MD 5, a designated freeway. Parcel D, a proposed homeowners association (HOA) parcel, immediately abuts this road. The parcel ranges in depth from 90 feet to 110 feet. Fifteen single-family dwellings and twenty-four townhomes immediately abut the east side of the parcel. The single-family dwellings are approximately 120 feet deep. The townhome lots are approximately 90 feet deep. The effective depth of the adjacent lots, meaning the lot depth plus the intervening Parcel D, totals between 210 and 230 feet. The applicant requests a lot depth variation for these single-family and townhome lots from the required 300 feet. Staff supports these variation requests if studies, at the time of SDP, show that the mitigated impact of noise from US 301/MD 5 is less than 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interiors of the houses.

Proposed Mattawoman Drive, a designated arterial road, bisects the property. Approximately ten residential lots for multifamily and two-over-two dwellings are proposed along Mattawoman Drive. In most cases, these are shown to be 150 feet deep, but several of the property lines are unclear. A full 150-foot lot depth is required for these parcels to provide the setbacks that are required in the approved CDPs. The applicant should revise the plans to show a 150-foot lot depth for all multifamily parcels along Mattawoman Drive. The applicant has identified 33 other residential lots that are adjacent to Mattawoman Drive and require variations. For most of these, a portion of the property is within 150 feet of the road, but is most often screened by other dwellings that immediately front the road. Staff supports these variation requests, and recommends some flexibility in the absolute number of lots impacted by this variation to allow some revisions in the lotting pattern at the time of SDP, subject to conditions.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

The Planning Board's approval of the two affiliated CDPs was extensive with regard to design considerations to address noise concerns. The preliminary plan and TCP1 should be revised to reflect the noise-related revisions to the CDPs required by conditions of approval, including required setbacks along Mattawoman Drive. This is further addressed in the Urban Design findings below.

The applicant proposes dwelling units adjacent to US 301 with noise mitigation provided by an earthen berm. The footprint of the proposed berm is 100 feet for most of its length and, as it goes around the Southern Maryland Oil property, it narrows to less than 50 feet. This may not be sufficient space to provide the height proposed. The berm is also proposed to be partially located within the ultimate right-of-way of US 301.

A minimum lot depth of 300 feet is required along a freeway or expressway. The plan proposes 27 townhouse units and 12 single-family dwelling units which do not meet the 300-foot lot depth from the ultimate right-of-way. A noise mitigation berm 25 feet in height has been proposed along US 301 to reduce the noise exposure from the freeway on the proposed residential dwellings.

The single-family dwellings proposed have a minimum lot depth of 240 feet and require variations ranging from zero to 60 feet to meet the standard. Based on design standards proposed in the CDP text, a 25-foot-wide front yard is proposed for the single-family dwellings in the R-M Zone (page 30) with a 25-foot-wide minimum rear yard. This would place the dwelling unit outside of the 75 dBA Ldn noise contour, and a substantial amount of the outdoor activity areas would also be outside of the 75 dBA Ldn noise contour.

The townhouses proposed have a minimum lot depth of 190 feet from the right-of-way and require variations ranging from 90 to 110 feet to meet the standard. Based on the design standards proposed in the CDP text, an 800-square-foot minimum yard area is required for townhouses in the R-M Zone (page 30). This would place the dwelling unit outside of the 75 dBA Ldn noise contour, with a substantial amount of the outdoor activity areas inside of the 75 dBA noise contour. The noise mitigation proposed consists of a 25-foot-high berm located 100 feet or less from the rear of the structures. It is not clear that the applicant can provide adequate noise mitigation in this area.

At the time of SDP, the applicant should provide evidence that the outdoor activity areas of the single-family and townhouse lots along US 301/MD 5 will be outside of the 65 dBA Ldn mitigated noise contour. The earthen berm proposed in this area should be analyzed in light of the future right-of-way for US 301/MD 5. If mitigation to these levels cannot be accomplished, the applicant should move all lots outside of the 75 dBA Ldn unmitigated noise contour. The loss of lots may result if the lots cannot be appropriately relocated at the time of SDP.

The applicant proposes a variation to 33 lots adjacent to Mattawoman Drive (A-63). Most of the properties requiring variation are oriented along side streets, with a side wall facing the arterial roadway. Acceptable noise levels for outdoor activity areas are 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor areas. In these cases, additional interior and exterior noise mitigation measures, such as fences or walls, should be required at the time of SDP.

Future revisions at the time of SDP may result in a change to the number of lots that are impacted by noise along Mattawoman Drive. Staff recommends that the applicant be approved for a variation to lot depth along the length of Mattawoman Drive subject to conditions that the acceptable noise levels identified above are maintained.

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

The conditions on which the variations are based are unique to the property. Noise from two master-planned roadways designated as arterial and higher impact the site. At the same time, master plans and the approved zoning call for significant residential density in this area. The site is further constrained from the east by the Timothy Branch stream valley. There are few places on the site that can accommodate residential development, protect the environment, and avoid some impact from roadway noise.

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

The master plan mentions, but does not preclude, development within areas impacted by noise. The master plan includes the following recommendations concerning noise intrusion that are particularly relevant to this development application:

> **Policy: Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion.**
>
> **Strategies: Evaluate development and redevelopment proposals in areas subject to significant noise intrusions using Phase I noise studies and noise models.**
>
> **Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.**

Further review of noise issues, particularly for the interior of buildings, will take place at the time of SDP. It should be noted that, while interior noise can be mitigated using sound absorption materials in construction, outside noise cannot be as easily mitigated. Hence, granting a variation to the lot depths along MD 5/US 301 should be carefully analyzed to ensure that the outside noise levels will not cause significant adverse impacts to future residents, particularly to children.

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

Without the approval of these variations, the subject property would not be developed in accordance with the vision and goals of the master plan and the approved basic plan. Development constraints on this site that are specific to the property, including the required construction of a master plan required arterial and the proximity to a freeway, create a particular hardship that requires relief provided by these variations.

4. **Community Planning**—The land use proposed by this application is consistent with the General Plan Development Pattern policies for the Developing Tier and a community center. 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. A portion of the application is within the boundaries of a designated community level center for Brandywine, per an amendment to the General Plan approved as part of the 2009 Approved Subregion 5 Master Plan. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

This application conforms to the recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* for a mix of residential and commercial land uses in the Developing Tier and appears to conform to recommendations for a residential component of mixed land use in the Brandywine Community Center, albeit at the low end of the recommended density range. Until published, the approved master plan and SMA consists of the following documents: the February 2009 Preliminary Subregion 5 Master Plan and Sectional Map Amendment as revised or amended by an Errata Sheet dated March 31, 2009; the Planning Board Resolution of Adoption (PGCPB No. 09-109); and the District Council Resolution of Approval (CR-61-2009).

The location of the transit facility and the designation of the center core has driven the location of multifamily dwellings in this development, therefore, the applicant should show the center core and edge boundaries on the preliminary plan and indicate that the development densities proposed in the center edge and center core conform with plan polices for residential land use in this center.

The following planning issues were identified in the review of the preliminary plan of subdivision:

a. The preservation of transit right-of-way parallel to MD 5/US 301.

b. Mitigation of truck traffic on Mattawoman Drive generated by the warehouse use in the abutting E-I-A Zone.

c. The relationship between the proposed residential development in Pod G, Parcel C and industrial uses, possibly on two sides.

d. Noise impacts on residential lots located within the higher noise contours that are not recommended for residential uses. The noise impacts are addressed in the Variation section of this report. The earlier three issues are addressed below:

    (1) **Transit Right-of-Way—**The Maryland Transit Administration (MTA) has completed a multi-year project and released a final draft report for the Southern Maryland Transit Corridor Preservation Study (January 2010) which recommends the preservation of right-of-way for future transit from La Plata to the Branch Avenue Metro Station. The recommendations in the study reinforce the county's approved land use plan along the MD 5/US 301 corridor. At the location of the proposed Villages of Timothy Branch development, the preferred alternative for the transit right-of-way is along the east side of MD 5/US 301. This right-of-way should be noted on the preliminary plan and land needed to preserve the future right-of-way should be included in any development proposals for this area.

The MTA final draft report states:

Section 1.2, Purpose and Need of Corridor Preservation Study

> "Acting now to preserve a transit right-of-way in the study area is the first step towards reaching the goal of a future transit system along the MD 5/US 301 corridor. Waiting to preserve a transit right-of-way could allow the inevitable continued growth in the region to occur in form of sprawl, risking the loss of available land, and the loss of continued right-of-way for transit. Additionally, preserving right-of-way will help enable the counties to coordinate land use with the transit system so they complement each other."

Section 5.1, Selection of Preferred Alternative

> "The Preferred Alternative would provide service to all important trip generators including: Saint Charles Towne Center, Waldorf, Brandywine Crossing, Southern Maryland Hospital Center, Woodyard Crossing, Andrews AFB, and the Branch Avenue Metrorail station. Additionally, the Preferred Alternative would provide service to both Charles and Prince George's counties proposed developments within the corridor.
>
> "The Preferred Alternative has been identified as an alignment Charles and Prince George's County should protect through their Master Plans. Preservation will enable the counties to plan for transit by implementing policies supportive of densely developed, walkable, mixed-use centers that would attract and create transit trips, thus improving the cost-effectiveness of providing service on the alignment. Nevertheless, future project planning and development processes, such as the FTA's New Starts program and NEPA, will require revisiting potential alignments and modes."

Section 5.2, Station Locations & Connectivity—Timothy Branch (TB)

> "The TB Station is the southern most station in Prince George's County and expected to be mostly a walk-up station. However, to support potential drive access from the west side of MD 5/US 301, a 200 space surface parking lot is recommended. The station is located at Brandywine Crossing, a new commercial development. Additionally, the Subregion V Master Plan has identified a community center on the east side of MD 5/US 301within walking distance of the TB station. The community center would provide mixed-use buildings and interconnected walking and bicycle paths, which are optimal around transit stations."

The plan does not show the proposed transit alignment along US 301/MD 5 on the west side of this application although a symbol for a proposed transit station in the vicinity of the application's southern property line is included. As discussed in the Transportation finding, the applicant is providing a berm for mitigation along US 301/MD 5. The area proposed for this berm constitutes ample area for future configurations of this transit facility. As the development of

the transit connection has not reached a design stage that will allow dedication or reservation of property, the actual alignment cannot be shown on the plan. However, the proposed transit alignment should be noted along US 301 on the preliminary plan of subdivision.

(2) **Truck Traffic and Industrial Access**—The warehouse use in the abutting E-I-A Zone generates significant truck traffic. The sole access to this site is from Brandywine Road along Mattawoman Drive. Presently, large trucks cue up and sit idle or are parked along Mattawoman Drive. This is not appropriate in a residential area. In the alternative, ingress and egress to the site from Short Cut Road from the north could entirely eliminate this truck traffic through the Timothy Branch development. Approximately 500 feet of roadway would need to be constructed through the applicant's industrially-zoned property (Parcel G) to make this connection. To ensure the compatibility of future residential uses in Timothy Branch with this existing industrial use, the existing entrance off of Mattawoman Drive should be limited to passenger vehicles, and trucks should utilize a new road from Short Cut Drive. The construction of this roadway should be timed so that new residential development will not be negatively impacted by truck traffic.

Providing an access connection between the existing warehouse/distribution facility and Short Cut Road was included as a condition of approval of CDP-0902. The preliminary plan should be revised to show this proposed connection. Plans for the connection should be finalized prior to SDP approval to provide an alternative access to this warehouse operation, especially for heavy truck traffic.

(3) **Residential and Industrial Land Use Compatibility—**The applicant proposes to construct 146 townhouse dwelling units in Pod G. Abutting Pod G to the west are three industrial parcels in the I-1 Zone. The Southern Maryland Transit Corridor Preservation Study (January 2010) identifies a possible maintenance yard for buses or trains on one of the I-1-zoned parcels. Although this is only one possible location for the maintenance yard, the property was retained in the I-1 Zone in the 2009 Sectional Map Amendment, therefore, industrial development is likely. Since the approval of CDP-0902, the applicant has provided an exhibit redesigning this area. The redesign replaces the townhomes along this edge with duplexes that have larger rear yards. This also increases the distance from the site boundary to the rear of the property lines from 80 feet to 100 feet. This is an improved design generally and allows further opportunity for screening landscaping at the time of SDP for increased buffering in this area.

5. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the comprehensive design plans and Preliminary Plan 4-09003 for conformance with Basic Plan A-9997-C and A-9998-C conditions, the requirements and recommendations of the current approved Prince George's County General Plan, the Approved Master Plan and Sectional Map Amendment for Subregion 5, zoning regulations, subdivision regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The subject property consists of 262 acres in the Residential Medium Development (R-M) Zone and 72.26 acres in the Local Activity Center (L-A-C) Zone. The applicant's proposal indicates that 1,200 residential dwelling units will be provided as part of the planned development, including single-family and multifamily dwelling units. Using current occupancy statistics for single-family and multifamily dwellings, the proposed development would result in an increase of 3,328 additional residents in the Brandywine area community.

The addition of 3,328 new residents to the existing Brandywine community would significantly impact public recreational facilities in the existing community. The Prince George's County General Plan establishes objectives related to the provision of public parkland. The General Plan states that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 county residents and 20 acres of regional, countywide, and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (3,328), 50 acres of local and 66.5 acres of regional public parkland suitable for active recreation will be needed to serve the proposed development.

Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 30.5 acres of parkland suitable for active and passive recreation to serve the proposed development.

Prior approvals, including the basic plans and CDPs, provide requirements for improvements to the nearby undeveloped Brandywine Area Community Park. To meet the mandatory dedication of parkland under the Subdivision Regulations, the applicant proposes private on-site recreational facilities in lieu of mandatory dedication of parkland. Staff recommends that this combination of: on-site private recreational facilities meets the Subdivision Regulations and the off-site public facilities adequately serve the residential needs of the development, and meets the Zoning Ordinance requirements.

Off-site Public Facilities
To meet zoning requirements, the applicant proposes off-site public recreational facilities. Condition 8 of approved Basic Plans A-9987-C and A-9988-C states:

8. At the time of Comprehensive Design Plan, the applicant shall provide either:

a. Private recreational facilities on site consistent with the standards outlined in the Park and Recreational 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 Park and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

The subject property is located 0.75 mile south of the undeveloped, 62-acre Brandywine Area Community Park. A park concept plan has been developed which demonstrates that the park property can accommodate the following recreational facilities: soccer field, softball field, youth soccer field, school-age playground, tot lot, four picnic shelters, two basketball courts, asphalt and nature trails, and a 130-space parking lot. Currently, there is no Capital Improvement Program (CIP) funding allocated for the development of this park.

To address conditions of the basic plans and provide recreational opportunities for the residents of the proposed development, the applicant proposes the construction of major off-site recreational facilities at nearby Brandywine Area Community Park including: one softball field, one soccer field, and a 65-space parking lot. The first phase of park construction will have access from Missouri Avenue.

On-site Private Facilities
To meet subdivision requirements, the applicant proposes on-site private recreational facilities. In addition, the applicant proposes an extensive package of on-site private recreational facilities including: two recreational centers with swimming pools, tennis courts, two gazebos, a stream valley trail, tot lot, school-age playground, three multi-age playgrounds, and one open play area.

The development of these facilities was generally addressed in the conditions of CDP-0901 and CDP-0902. Those conditions state:

> **An overall recreational facilities agreement (RFA) should be required to address the development of these facilities. With specific RFAs, appropriate triggers for construction and timing for the bonding of these facilities can be established to ensure a concurrency of the provision of the facilities as the development progresses.**

Staff recommends that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities will satisfy the recreational needs of the residents of the Villages of Timothy Branch planned community, and fulfill the requirements of mandatory dedication as discussed above.

6. **Trails**—The proposal was reviewed for conformance to the provision for trails, sidewalks, and pedestrian circulation in the *Approved Countywide Master Plan of Transportation* (MPOT) and the *Subregion 5 Master Plan and Sectional Map Amendment* (area master plan).

The development proposal is in the "community center" described on pages 49 and 50 in the area master plan. A variety of road cross sections exist along Brandywine Road and sidewalks are missing along many segments. Sidewalk and pathway construction is needed within the Brandywine and Aquasco communities, and Brandywine Road is a heavily-used corridor for long distance cyclists. All development plans in these areas should include dedication for on-road bicycle accommodations, sidewalks, sidepaths, trails, and off-road bicycle accommodations where specified by the master plans or where proposals require these facilities to meet other master plan goals.

Both the area master plan and the MPOT recommend that pedestrian and bicycle facilities be constructed as part of new development in the Brandywine area where the subject property is located. The area master plan recommends that future development in Brandywine be connected by pedestrian and bicycle networks to areas north of the subject site, where Brandywine Road provides a parallel route to MD 5 for pedestrians and bicyclists. The plan recommends that Brandywine Road contain a dual-route bikeway between MD 223 and the Charles County line. A dual-route bikeway contains both an on-road bikeway and a sidepath for multi-use purposes, including bikes, pedestrian, and other trail users. The area master plan recommends that sidewalks be constructed throughout Brandywine, and that a stream valley trail be constructed within the Timothy Branch stream valley to provide a section of trail network between Dyson Road and Mattawoman Creek. Brandywine Road is depicted on the MPOT map set as a proposed bikeway/sidepath.

Additionally, the area master plan recommends that developers provide bicycle parking, lockers (if they are major employers), bicycle-friendly intersection improvements, and trail connections as part of development proposals (page 122). The plan recommends bicycle signage and safety improvements along designated bikeways.

The MPOT recommends that Developing Tier centers and corridors should integrate the transportation system with a mix of land uses that support all modes of travel, including future use of moderate bus transit service, as well as bicycle and pedestrian modes of travel for shopping, recreation, and commuting trips. Corridor and right-of-way preservation for future transportation (particularly transit) facilities and systems are major challenges in the Developing Tier, particularly on roads that serve Developing Tier centers (page 20).

The District Council approved Basic Plans A-9987-C and A-9988-C with conditions in July 2008. Those conditions address the provision of trails and sidewalks within this development site.

Based a meeting with the applicant on October 14, 2010 and a staff level meeting on October 18, 2010, a number of modifications were made to the recommended conditions of approval.

Mattawoman Drive/Matapeake Business Drive
Condition 5 of A-9987-C and A-9988-C states:

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive (A-63) is a proposed bikeway/sidepath as depicted on the map set in the MPOT. It is a master-planned arterial road and should contain sidewalks, and a sidepath or on-road bikeway. The zoning cases require that the applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T. As stated in the Transportation finding, no further dedication of Mattawoman Drive is required.

It is recommended that the applicant provide a sidepath along the east side of Mattawoman Drive and a sidewalk on the west side of the road to fulfill the MPOT recommendation. The specific details of the sidewalks and pedestrian refuges will be reviewed at the time of specific design plan.

Matapeake Business Drive (A-63) is proposed to begin south of the intersection of A-63 and A-55. This has been moved off site in recent revisions to the plan. All recommendations for Matapeake Business Drive are contained in those for Mattawoman Drive.

Nearby Roadways
Condition 4 of A-9987-C and A-9988-C states:

4. The applicant shall 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.

The area master plan moved A-55 off of the subject site to the south. This condition is no longer applicable to this development.

Short Cut Road runs along the northwest frontage of the site. This road will eventually contain pedestrian and bikeway facilities within the Brandywine Community Center where the road will serve new uses. No new uses are proposed along this road, and the road may be affected by a planned highway interchange at the intersection of Crain Highway (US 301) and Branch Avenue (MD 5).

Brandywine Road runs along the north frontage of the site. As addressed in the Environmental finding above, this road is a designated historic road. The applicant should provide an eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA. As identified in the Transportation finding, the applicant is proposing dedication along Brandywine Road of 40 feet from centerline. This has been deemed adequate. Striping of the bike lane is entirely in SHA's control and the dedication that they require can accommodate either bike lanes or wide outside curb lanes, at the discretion of SHA.

Timothy Branch Trail
The area master plan and the MPOT recommend a trail along the Timothy Branch stream valley between Dyson Road and Mattawoman Creek. A significant section of this planned trail is part of this application. This trail should be linked to the subdivision and be aligned along the stream valley.

Condition 3 of A-9987-C and A-9988-C states:

3. The applicant shall 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.

Condition 3 of CDP-0901 states:

3. The applicant shall 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.

Condition 35 of CDP-0902 states:

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This trail location has been evaluated from a number of perspectives. As proposed by the applicant on the preliminary plan, the trail conforms to the conditions of Basic Plans A-9987-C and A-9988-C, and it appears to be adequate for the proposed use and will implement the master-planned trails in this area. The applicant is providing this trail along the appropriate portions of the Timothy Branch stream valley.

The Planning Board has determined that trail locations are sometimes so close to single-family private residential lots that special notification is needed to inform future homebuyers of the trails' location. The present case does contain some trail locations and alignments that bring the trail close to residential lots.

It is recommended that the applicant provide the eight-foot-wide master plan trail along the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will also utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots. As this trail will be a private HOA trail, no equestrian component is recommended.

The HOA can elect to provide any signage that residents request in the future. Residents of the community will be familiar with the area, the nearby destinations, and probably will not require major wayfinding. This trail will not be used by those who do not already live in the community and we probably do not want to place signage that might encourage the public to use the private HOA trail.

Interior Circulation

The MPOT recommends using complete street principles in designated centers and corridors, and it encourages the use of medians as pedestrian refuge islands. It also recommends increasing crossing opportunities for pedestrians. There are many pedestrian and bicycle improvements recommended for the subject property. It may be feasible to include a raised median or small refuge islands at some pedestrian crossing locations, making it easier and safer for pedestrians to cross the road. At the time of specific design plan, the proposal should contain safety measures such as pedestrian refuges along major road intersections where road crossings are provided for pedestrians and bicyclists.

Policy 2 of the Trails, Bikeways, and Pedestrian Mobility section of the MPOT recommends providing "adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers." There are four recreational facilities and two recreation centers shown on the subject plan. Trails provided within the development should be linked to the recreational facilities and centers. It is recommended that the applicant provide sidepaths or on-road bikeways for bicyclists, and sidepaths or sidewalks for pedestrians, on or along the roadways that lead to the recreational facilities and centers.

The American Association of State Highway and Transportation Officials (AASHTO) guidelines recommend that barriers be provided to protect trails from automobile use and to reduce conflicts between automobiles and path users. It is recommended that trail access points be designed to ensure that off-road motorized vehicles do not use trails except for maintenance and emergency purposes or wheelchair access. At the time of specific design plan, the applicant must provide details of these measures. Bollards and/or other appropriate structures should be used to prevent motorized vehicles from entering trail routes at any crossing of a public road right-of-way or at any trail staging area.

Conditions 6 and 7b of A-9987-C and A-9988-C state:

6. The applicant shall 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 specific design plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

7b. 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.

The applicant is proposing sidewalks and bikeways along the internal roads to support the residential and mixed-use development that is proposed. The sidewalk details will be evaluated at the time of specific design plan. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.

The applicant has proposed a comprehensive site-wide pedestrian circulation plan. Bus transit stop locations have been provided along Mattawoman Drive and appear to be adequate for the proposed use. Transit locations are shown on the approved CDP. Additional facilities and amenities at these stops can be evaluated at the time of SDP.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Prince George's County Code, with conditions.

7. **Transportation**—The overall site is located south of MD 381 and east of US 301/MD 5 on both sides of existing and planned Mattawoman Drive. The applicant proposes to develop the overall property as a mixed-use development with approximately 1,200 residences and 305,000 square feet of commercial space.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a mixed-use development consisting of the following uses (with the commercial uses as described in the traffic study and with the residential uses in accordance with the current submitted preliminary plan) having the following trip generation:

4-09003, Villages at Timothy Branch	**Use Quantity**	**Use Type**	**AM Peak Hour**			**PM Peak Hour**		
			In	**Out**	**Tot**	**In**	**Out**	**Tot**
Residential								
One-Family Detached	101	units	14	61	75	60	31	91
One-Family Semidetached	100	units	14	56	70	52	28	80
Townhouse	379	units	53	212	265	197	106	303
Two-Family Attached	352	units	49	197	246	183	98	281
Multifamily	268	units	27	112	139	105	56	161
Total Residential	**1200**	**units**	**157**	**638**	**795**	**597**	**319**	**916**
Commercial								
Retail (total trips)	100,000	Sq feet	95	61	156	600	600	1200
Less 60 percent pass-by and internal			-56	-36	-92	-360	-360	-720
Retail (net trips)			39	25	64	240	240	480
General Office	205,000	Sq feet	369	41	410	72	307	379
Total Commercial	**305,000**	**Sq feet**	**408**	**66**	**474**	**312**	**547**	**859**
Total			**465**	**704**	**1269**	**909**	**866**	**1775**

The trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The traffic generated by the proposed preliminary plan would impact the following seven critical intersections, interchanges, and links in the transportation system:

- US 301 and Mattawoman Drive (future/signalized)
- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381 (signalized)
- MD 381 and Mattawoman Drive (signalized)
- US 301/MD 5 and Chadds Ford Drive (signalized)
- US 301/MD 5 and Matapeake Business Drive (signalized)
- US 301/MD 5 and Cedarville Road/McKendree Road (signalized)

The application is supported by a traffic study dated July 2009 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section (M-NCPPC), consistent with the guidelines.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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 following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in May 2009 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
US 301 and Mattawoman Drive	Future	Future	--	--
MD 5 and Brandywine Road	1,769	1,810	F	F
US 301 and MD 381	1,160	1,078	C	B
MD 381 and Mattawoman Drive	493	412	A	A
US 301/MD 5 and Chadds Ford Drive	1,185	1,431	C	D
US 301/MD 5 and Matapeake Business Drive	1,114	1,416	B	D
US 301/MD 5 and Cedarville/McKendree Road	1,289	1,866	C	F

With one exception, none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." There are programmed improvements being conducted by SHA at the intersection of MD 5 and Brandywine Road. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
US 301 and Mattawoman Drive	1,193	1,743	C	F
MD 5 and Brandywine Road	1,804	1,815	F	F
US 301 and MD 381	2,002	1,601	F	F
MD 381 and Mattawoman Drive	621	602	A	A
US 301/MD 5 and Chadds Ford Drive	1,650	2,111	F	F
US 301/MD 5 and Matapeake Business Drive	1,497	2,198	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,737	2,398	F	F

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
US 301 and Mattawoman Drive	1,271	1,851	C	F
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	2,528	2,340	F	F
MD 381 and Mattawoman Drive	1,284	1,361	C	D
US 301/MD 5 and Chadds Ford Drive	1,693	2,199	F	F
US 301/MD 5 and Matapeake Business Drive	1,534	2,278	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

It is found that all but one of the critical intersections operates unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- A third northbound through lane is proposed along US 301 through the MD 381 and the Mattawoman Drive intersections. Left turns are proposed to be eliminated at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties in the future).

- A northbound left-turn lane is proposed along US 301 at Mattawoman Drive.

- The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and a westbound left-turn lane along MD 381 at Mattawoman Drive is proposed.

- As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, the applicant proposes to extend Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site off of portions of US 301/MD 5.

- The subject site is required to contribute to the Brandywine Road Club. It is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:

    a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1990, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program which suggests that needed improvements are funded for construction.

    b. County Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for Subregion V. As a part of that resolution, Zoning Map Amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "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 has been carefully considered, and it has been determined that the subject property is 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.

    c. The site included under the current plan was subdivided under application 4-92048, which itself was a consolidation of four previous preliminary plans, conditional upon contribution to the Brandywine Road Club. The road club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

- The Brandywine Road Club fees have been established through procedures contained in past approvals, and are summarized below:

  a. For the commercial space, a rate of $1.41 per square foot of gross floor area has been used for sites that have A-63 construction requirements.

  b. The major improvements that are ratable for the residential uses include widening the link of US 301/MD 5 north of Cedarville Road and the associated interchanges and widening of the junctions of A-63 with US 301 and MD 5. Current and potential members of the Road Club located in the Brandywine Employment Area are paying $1.10 per square foot of gross floor area to cover their share of the cost of building these improvements. On the average, this payment is $1,582.73 per peak-hour trip generated. Based on the peak-hour trip generation rates associated with single-family detached units, single-family attached units, and multifamily units, a road club payment of $1,306 per single-family detached unit, $1,187 per single-family attached unit, and $886 per multifamily unit (1993 dollars) is a fair and equitable pro-rata payment for the subject property toward these off-site improvements.

  For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the road club as a means, in part, of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area, as proffered and described above, are constructed and there is participation in the Brandywine Road Club.

- It is recognized that the off-site road improvements being proffered by this applicant are on the overall list of improvements to be funded through the Brandywine Road Club. As such, the costs of the off-site improvements are eligible for a credit against the road club fees to be paid. The extent of the eligibility of costs and the determination of any credits shall be made by DPW&T.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2009 traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
US 301 and Mattawoman Drive	916	1,221	A	C
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	1,741	1,725	F	F
MD 381 and Mattawoman Drive	1,031	1,246	B	C
US 301/MD 5 and Chadds Ford Drive	1,570	2,013	E	F
US 301/MD 5 and Matapeake Business Drive	1,453	2,183	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and they raise four issues that require discussion:

- DPW&T indicated that the number of trips diverting onto Mattawoman Drive appears to be overestimated. It is important to remember that many trips in the area are destined for retail uses within and to the south of the subject site. The connection of Mattawoman Drive will provide a direct alternative for reaching these areas from north of Brandywine, and that was much of the reason for classifying this roadway as an arterial.

- DPW&T also indicated that analyses should have been included for the future intersection of A-55 and A-63. Since that intersection is off-site, and since neither the east nor west legs of A-55 are proposed for construction, staff did not analyze this intersection.

- SHA and DWP&T both objected to the elimination of left turn movements at the US 301/MD 381 intersection. That is obviously something that will need to be studied carefully at the time that Mattawoman Drive is connected on both sides of US 301 by Brandywine Business Park.

Plan Comments
At the time of the Subdivision and Development Review Committee (SDRC) meeting, several comments recommending revisions to the submitted plan were offered. The plan has gone through a number of revisions.

With regard to the L-A-C-zoned portion of the site, the site is affected by A-63, a master plan arterial facility traversing the site from north to south, and C-613, a planned collector facility along existing MD 381. The preliminary plan of subdivision shows dedication for 120 feet of right-of-way for A-63. It also shows dedication for right-of-way of 40 feet from the centerline along MD 381. Both are acceptable.

Within the L-A-C-zoned portion of the site, variations for driveway access to A-63 have been reviewed. Two variations from Section 24-121(a)(3) of the Subdivision Regulations to serve the commercial development on the west side of A-63 have been considered. In summary, it is determined that the findings for approval of both access points can be made consistent with the applicant's justification. A total of 12 parcels will be served by the two access points. This eliminates the need for a driveway from MD 381. There is no other reasonable alternative for providing access to these parcels. With the implementation of the needed cross easements over this grouping of parcels, the two access points will function in a way that is, in concept, consistent with the intent of Subtitle 24. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

With regard to the R-M-zoned portion of the site, the site is affected by several facilities.

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. The current plan includes ramps to and from the north and south to support the future interchange at A-55. An extensive area in the southwest portion of the site is proposed to remain without development, and this is sufficient. There shall be no street or driveway access from the site to US 301/MD 5.

- The A-63 facility traverses the site from north to south. Over the time of reviewing this plan, there has been some confusion about the alignment of A-63 and where it terminates at the southern end. The A-63 arterial facility actually terminates at A-55, which has been determined to be located just south of the subject site. Comprehensive Design Plan CDP-0902 indicates a portion of A-63 south of the more southerly traffic circle to be "Matapeake Business Drive Extension" with a 100-foot right-of-way. This is incorrect. This portion of roadway between the traffic circle and the southern property line is A-63, and should indicate dedication for a 120-foot right-of-way.

- South of the more southerly traffic circle, the A-63 facility is to be extended to connect to Matapeake Business Drive within the Brandywine Crossing property to the south. It is recognized that A-63 will need to transition to a smaller section to connect to Matapeake Business Drive, which is currently a commercial street constructed within a 70-foot right-of-way. It may be reasonable to limit current construction south of the traffic circle to a half-section of the ultimate roadway at this time. The remaining half-section would be constructed when the A-55 facility is constructed or when additional right-of-way is dedicated along Matapeake Business Drive in the future when the Brandywine Crossing property resubdivides. Nonetheless, the timing of this construction shall be reasonably determined by DPW&T.

- The master plan includes I-503, a planned facility that was originally included in the 1993 Subregion V Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road, and to the Mattawoman Drive facility in the future. If collector-distributor lanes are not constructed along MD5/US 301 when it is upgraded to an access-controlled freeway, the named properties may lose the ability to access US 301/MD 5 in the future. Planned facility I-503 was initially planned when all properties in the area had industrial zoning, however, this has changed with the subject site being rezoned to R-M. Hence, the uses proposed for the subject property are different, and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, I-503, as initially envisioned and aligned, is no longer necessary. However, some means to allow the named properties that front on MD 5/US 301 to potentially gain access to Short Cut Road may be needed. Accordingly, an alternative to I-503 has been addressed by this plan by showing an area of land within which an industrial cul-de-sac south from Short Cut Road to the Schraf property could be constructed. This cul-de-sac could be located half on the subject property and half on the properties being served by it. The portion of the subject property should be placed in a separate parcel or outlot at the time of subdivision to facilitate the future acquisition by either the state or a property owner to be served by it. With the provision of this parcel, I-503 is no longer needed and the plan should be revised prior to signature approval to remove the depiction of the "Alternative Alignment of I-503" and to show a separate parcel to accommodate the future industrial connection.

- The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. The facility has a typical section requiring 70 feet from the edge of roadway, as noted in the August 2010 report for the Southern Maryland Transit Corridor Preservation Study (Maryland Transit Administration). This right-of-way is adjacent to and parallel to US 301/MD 5 along the western edge of this site. While it is noted that this facility is not explicitly noted on the preliminary plan, the plan includes berming 100 feet in width along the site's frontage of US 301/MD 5; this berming is set back between 15 and

50 feet from the existing right-of-way. Furthermore, there is an average of 30 feet between the edge of pavement and the property line. Once again, the transit facility is proposed to be 70 feet in width. It is determined, given that the transit line has not been subjected to environmental review or detailed engineering, that the area between the edge of pavement and the property line combined with the area of berming along the US 301/MD 5 frontage constitutes adequate provision for this future transit facility. In the event that a transit facility is implemented in the future, plans for the facility may need to incorporate the use of a retaining wall to maintain the berm. Comprehensive Design Plan CDP-0902 indicated a 70-foot width for this alignment, and has included a condition requiring that the CDP show the proposed transit alignment and include the following label: "Possible Future Transit Alignment (subject to further future environmental review)." A closer examination indicates that the alignment area within the subject property needs only 40 feet in width.

- The transit line described above includes the identification of the combined M&M Joint Venture/Meinhardt properties as a possible location for a maintenance yard, in the study.

Within the R-M-zoned portion of the site, individual residential lots are proposed to receive driveway access from alleys or minor streets, and are not proposed to gain individual access to A-63 directly. This is desirable.

Two variations for driveway access to A-63 have been reviewed. The variations from Section 24-121(a)(3) of the Subdivision Regulations to serve the multifamily development on the west side of A-63 within Block E have been considered. In summary, it is determined that the findings for approval of both access points can be made consistent with the applicant's justification. Two large parcels containing 208 multifamily residences will be served by the two access points. These two accesses augment a third access point from Road N. The accesses onto A-63 eliminate the need to array the multifamily buildings around a large cul-de-sac. The additional accesses improve the delivery of public and emergency services to these two parcels. There is no other reasonable alternative for providing secondary access to this area of the development. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

The R-M-zoned portion of the property surrounds a piece of developed land in the E-I-A Zone. This developed site is not part of the subject application, but it receives its access via Mattawoman Drive. Given that the land around this site is proposed for development as mixed use and residential, it is desirable that the E-I-A-zoned property be provided with the opportunity to gain access to Short Cut Road. It is recommended that the plan make provision for an access across Parcel G, as discussed above.

Review of Basic Plan Conditions
The basic plans for the site (A-9987-C and A-9988-C) were approved by the District Council. The status of the transportation-related basic plan conditions for applications A-9987-C and A-9988-C are as follows:

Condition 1: This condition indicates that the transportation staff shall make master plan transportation recommendations consistent with the applicable master plan. This has been done.

Condition 2: This condition specifies the intersections to be studied at later stages of review. All intersections were included except the US 301/MD 5/proposed A-55 and the Mattawoman Drive/proposed A-55 intersections. The two excluded intersections were not included because,

based on the final recommendations of the master plan, they were south of the subject site. Specifically, this applicant would not be constructing any part of A-55. As a result, there were no intersections at these locations to study.

None of the remaining conditions are specific to transportation; however, Conditions 3, 4, 5, and 6 will be monitored by the trails coordinator of the Transportation Planning Section at future stages of review. With regard to Condition 7(b), the required information was provided on both of the CDPs.

Review of CDP Conditions
Comprehensive Design Plans CDP-0901 and CDP-0902 were approved on October 7, 2010 and their resolutions are currently pending before the Planning Board. To the extent possible, all findings and conditions have been modified to be consistent with the Planning Board's decision in those cases, along with any changes or modifications.

Based on the preceding findings and proposed conditions, staff concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

8. **Variations for Access to Arterial Roadways—**The applicant requests a variation from Section 24-121(a)(3) of the Subdivision Regulations for the purpose of accessing Mattawoman Drive, a designated arterial road, at four locations.

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway. The applicant proposes to construct a network of public and private roads to provide access to residential and commercial properties throughout the development. At four locations, the applicant proposes to directly access Mattawoman Drive. Two accesses will serve the commercial retail and office uses on the west side of Mattawoman Drive at the north end of the site. These are the only two accesses proposed for this module. Two accesses will serve the multifamily dwellings on the west side of Mattawoman drive at the south end of the site. Access to these residential parcels will also be provided off of Road N at its intersection with Road P. Staff supports these variations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

Within the L-A-C Zone, variations from Section 24-121(a)(3) to serve the commercial development on the west side of Mattawoman Drive have been requested. A total of 12 parcels will be served by the two access points. This eliminates the need for a driveway from Brandywine Road (MD 381). There is no other reasonable alternative for providing access to these parcels. With the implementation of the needed cross easements over this grouping of parcels, the two access points will function in a way that is, in concept, consistent with the intent of Subtitle 24. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

Within the R-M Zone, variations from Section 24-121(a)(3) for driveway access to Mattawoman Drive are requested. Two large parcels containing 208 multifamily residences will be served by the two access points. These two accesses augment a third access point from Road N. The accesses onto Mattawoman Drive eliminate the need to array the multifamily buildings around a large cul-de-sac. The additional accesses improve the delivery of public services and emergency services to these two parcels. There is no other reasonable alternative for providing secondary access to this area of the development.

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

For the commercial retail and office parcels, no access is proposed other than Mattawoman Drive. Access along Brandywine Road is not proposed and is undesirable. In the approved Comprehensive Design Plan, CDP-0901, extensive effort has gone into protecting the rural character of Brandywine Road. The commercial area is immediately bounded on the south by Parcel E, which is not part of this application. Other than Mattawoman Drive and Brandywine Road, the site has no access to another public street.

For the multifamily parcels in the south, the site is on the corner of Road N and Mattawoman Drive. Access is proposed to both. Limiting access will force all traffic onto Road N, which also serves as a main connection to Mattawoman Drive for other residential areas. Additional accesses provide improved circulation and access to the site.

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

The accesses will be constructed in accordance with relevant laws and standards. The applicant will be required to obtain a SDP prior to development of these sites, permitting further review.

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

Without approval of these variations, particular hardship to the owner will result. Construction of Mattawoman Drive as an arterial is required by the Master Plan of Transportation and the Subregion 5 Master Plan. For the commercial site to the north, driveways to Mattawoman Drive are the only accesses to the property. For the multifamily site to the south, access to Mattawoman Drive provides significant relief to the intersection of Road N and Mattawoman Drive.

9. **Schools**—The impact on school facilities was analyzed separately for residential and nonresidential portions of the development.

Residential
The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

Single-Family Detached Dwelling Units—Impact on Affected Public School Clusters

Affected School Clusters	**Elementary School Cluster # 5**	**Middle School Cluster # 3**	**High School Cluster # 3**
Dwelling Units	118 DU	118 DU	118 DU
Pupil Yield Factor	0.16	.13	.14
Subdivision Enrollment	18.9	15.3	16.5
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,885.9	3,939.3	7,097.5
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	103.3%	79.0%	91.0%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Attached Dwelling Units—Impact on Affected Public School Clusters

Affected School Clusters	**Elementary School Cluster # 5**	**Middle School Cluster # 3**	**High School Cluster # 3**
Dwelling Units	796 DU	796 DU	796 DU
Pupil Yield Factor	0.14	0.11	0.10
Subdivision Enrollment	111.4	87.6	79.6
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,978.4	4,010.6	7,160.6
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	105.8%	80.5%	91.9%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Multifamily Dwelling Units (Garden Style)—Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	284 DU	284 DU	284 DU
Pupil Yield Factor	.14	.06	. 09
Subdivision Enrollment	39.8	17.0	25.6
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,906.8	3,940.0	7,106.6
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	103.9%	79.0%	91.2%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: $7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; $7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or $12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are $8,299 and $14,227 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential
The subdivision is exempt from a review for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) because it is a nonresidential use.

10. **Fire and Rescue**—The impact on fire and rescue facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential
The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d), and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations. Special Projects staff has determined that this preliminary plan is within the seven minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
40	Brandywine	14201 Brandywine Road

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

Nonresidential
The subdivision plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
40	Brandywine	Engine	14201 Brandywine Rd.	2.68	3.25	Within
20	Upper Marlboro	Ladder Truck	14815 Pratt Street	10	4.25	Beyond
40	Brandywine	Paramedic	14201 Brandywine Rd.	2.68	7.25	Within
40	Brandywine	Ambulance	14201 Brandywine Rd.	2.68	4.25	Within

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Capital Improvement Program (CIP)
The Prince George's County FY 2010–2015 Approved Capital Improvement Program budgets funding for the replacement of Company 40, Brandywine Fire/EMS Station, at 14201 Brandywine Road. This fire station site is 1.4 minutes from the subject development.

11. **Police Facilities**—The impact on police facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential
The subject property is located in Police District V, Clinton. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May, 12, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
	Month/Yr–Month/Yr	# minutes	# minutes
Cycle 1	5/2009-4/2010	12	10
Cycle 2	6/2009-5/2010	12	10
Cycle 3	7/2009-6/2010	11	9

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were not met on May 19, 2010 during the review of Cycle 1, on June 18, 2010 during the review of Cycle 2, or on July 23, 2010 during the review of Cycle 3.

The rolling twelve-month average for response times in District V were provided for three monthly cycles following the acceptance of the subject application. If the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls are not met by the third monthly cycle of response time reports and the actual response times for both emergency and/or nonemergency calls do not exceed 20 percent above the required response times, the applicant may offer to mitigate. The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve the preliminary plan until a mitigation plan is submitted and accepted by the county. If the response times for emergency calls and /or nonemergency calls are greater than 20 percent above the required emergency response time, the applicant may not mitigate.

In accordance with CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in kind services or pooling resources.

Public Safety Mitigation Fee
Beginning in Fiscal Year 2007, the mitigation fee is adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005. The public safety surcharge may not be reduced by the payment of any public safety mitigation fee. The fee is required to be paid at the time of the issuance of a grading permit for the development. In 2006, the mitigation fee was $3,780 per unit if the test failed in any of the police districts.

In-Kind Services
An applicant may mitigate by offering to provide equipment and or facilities that equal or exceed the cost of the public safety mitigation fee or offer a combination of in-kind services and supplemental payment of the public safety mitigation fee. Acceptance of in-kind services are at the discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

Pooling Resources
Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the public safety mitigation fee. Acceptance of pooled resources to provide in-kind services are at the discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

Nonresidential
The proposed development is within the service area of Police District V in Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for The Villages at Timothy Branch and has no comments to offer.

13. **Water and Sewer Facilities**—The 2008 Water and Sewer Plan designates Parcels A, B, C, D, F, and G in water and sewer Category 3, inside the sewer envelope and within the Developing Tier. Parcels 4, 13, 19, and 25 are designated "dormant" water and sewer Category 3, inside the sewer envelope and within the Developing Tier. Therefore, the site will be served by public water and sewer.

Water and sewer lines in Mattawoman Drive abut the property. Additional sewer lines traverse the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

Plan Note 8 should be revised to reflect the "Dormant Water and Sewer Category 3" status of the designated parcels on the preliminary plan.

14. **Archeology**—A Phase I archeological survey was completed on the subject property prior to submission of this preliminary plan. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded Historic Site, 18PR454, and one previously recorded Prehistoric Site, 18PR974. Five new archeological sites were delineated and include a late 19th or early 20th century Domestic Site, 18PR991; a Prehistoric Site, 18PR992, likely dating to the Archaic period (7,500–1,000 BC); a mid-19th century Domestic Site, 18PR993; a colonial period Domestic Occupation, 18PR994; and a mid- to late-20th century Domestic Ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

Staff concurred with the recommendation of the draft Phase I report that sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site possibly retained some integrity. Phase II investigations were recommended on sites 18PR454, 18PR992, 18PR993, and 18PR994. On all of these sites, close-interval shovel tests were recommended to identify the possible locations of subsurface features and were used to guide the placement of test units. A Phase II work plan for sites 18PR454, 18PR992, 18PR993, and 18PR994 was submitted to the Historic Preservation Section (M-NCPPC) for review and approval on November 30, 2009.

Phase II investigations were conducted on sites 18PR454, 18PR992, 18PR993, and 18PR994 in December 2009. Phase II investigations of site 18PR992 consisted of the excavation of 50 STPs at 25-foot intervals across 11 transects. Artifacts were concentrated in transects F through L on a piece of high ground. Nine test units were placed in the northern portion of the site and 732 prehistoric artifacts were recovered. The site contained two components: a late Middle Archaic (6,000–4,000 BC) or early Late Archaic (4,000–2,000 BC) Halifax occupation and a Terminal Late Archaic/Transitional broadspear occupation. There was a high concentration of fire-cracked rock, but no subsurface features were identified. Due to the lack of intact features and the effects on the site from erosion, no further work was recommended on site 18PR992.

Phase II investigations of site 18PR993 consisted of the excavation of 43 STPs at 25-foot intervals across seven transects. Only 20 historic artifacts were recovered and no subsurface features were identified. Due to the lack of significant archeological deposits and intact features, no further work was recommended on site 18PR993.

Phase II investigations of site 18PR994 consisted of the excavation of 45 STPs at 25-foot intervals across five transects. Only one porcelain sherd and one prehistoric quartz flake were recovered from the STPs. A metal detector survey failed to locate any metal objects other than modern machine parts and tools. Due to the lack of significant archeological deposits and intact features, no further work was recommended on site 18PR994.

Phase II investigations of site18PR454 consisted of the excavation of 61 STPs at 25-foot intervals across six transects and five 3-x-3 foot test units. An intensive metal detection survey was also conducted across the site. Artifacts recovered included glass, nails, whiteware, pearlware, black-glazed redware, and brick. The five test units were placed in areas where the highest concentration of artifacts was noted. The eastern portion of the site was impacted by earlier construction activities. One intact subsurface feature was identified in Test Units 4 and 5. This feature possibly represents a cellar hole filled with debris from the dismantling of the house that formerly stood on the property. The types of artifacts recovered indicated that the house was occupied from the late 18th to the first half of the 19th century.

In a review letter dated March 27, 2010, staff concurred with the report's conclusions and recommendations that sites 18PR454, 18PR992, 18PR993, and 18PR994 are not eligible for listing in the National Register of Historic Places, and do not meet the criteria for designation as county historic sites. Staff also concurred with the report's recommendation that no further work is necessary on these sites, as they lack subsurface integrity and have limited research value. The applicant has not yet submitted four copies of the final report.

If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant should provide proof to the Historic Preservation Section (M-NCPPC) that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of this preliminary plan.

15. **Urban Design: L-A-C Zone—**This referral is based on revised plans submitted by the applicant for Preliminary Plan of Subdivision 4-09003, The Villages at Timothy Branch.

The subject Preliminary Plan of Subdivision, 4-09003, seeks to subdivide a 334.26-acre property into 580 lots and 68 parcels in order to develop a mixed-use project including 1,200 residential dwelling units and approximately 305,000 square feet of commercial gross floor area. The property included in this application is split between the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone. The R-M-zoned portion of the property is located east of US 301/MD 5, on both sides of proposed Mattawoman Drive, north of Matapeake Business Drive, and the L-A-C-zoned portion of the property is located on the south side of Brandywine Road. At this time, Comprehensive Design Plans, CDP-0901 for the L-A-C-zoned portion of the property and CDP-0902 for the R-M-zoned portion of the property, were reviewed and approved by the Planning Board on October 7, 2010. However, at the time of the writing of this report, the Planning Board has not yet adopted the resolutions for both comprehensive design plans.

This referral focuses on the L-A-C-zoned portion of the property, its previous Basic Plan approval (A-9988-C), and the subsequent Comprehensive Design Plan approval (CDP-0901).

Conformance with Zoning Map Amendment A-9988-C
On June 16, 2008, the property was conditionally rezoned to the R-M and the L-A-C Zones through County Council approval of A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program, 12 conditions, and one consideration. The conditions and consideration that are applicable to the review of this preliminary plan of subdivision have been listed in bold face type below, followed by comments and recommendations regarding these requirements.

Approved Land Use Program A-9988-C (L-A-C)

Land Use Types and Quantities:

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:

One-family attached, townhouse, and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

Basic Plan 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.

The Planning Board addressed the condition above through Conditions 41 through 43 in the Planning Board's Resolution for CDP-0901, which was found to be 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)

This condition is addressed in the Transportation section of this report.

3. The applicant shall 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.

In the review of the CDP, this issue was discussed at length. The Department of Parks and Recreation (DPR) testified at the Planning Board hearing that the agency was not interested in acquiring the property associated with the Timothy Branch stream valley and was not interested in being party to a public use easement for the master plan trail within homeowners association (HOA) land. DPR also testified that the master plan trail along the Timothy Branch stream valley would terminate at Brandywine Road, because an at-grade pedestrian roadway crossing would create a hazardous situation at that location. Further, they stated that the master plan trail located along Mattawoman Drive will adequately serve future residents and bicyclists traveling between the subject site and properties to the north and south of the subject site. The Planning Board recognized these issues and agreed with the applicant's proposed language as adopted in Condition 35 of the Planning Board's approval of the CDP.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive is a master-planned arterial road. The applicant should provide a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete side path on the east side, in accordance with DPW&T standards. Condition 30 of CDP-0901 addresses the design of sidewalks along Mattawoman Drive in fulfillment of the condition above.

6. The applicant shall 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 Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Conditions 27 through 36 of CDP-0901 address specific requirements for the sidewalk and trail network discussed in this condition, but further analysis may be appropriate at the time of the review of the SDP.

7. 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 standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

Condition 13 of CDP-0901 addresses the requirements for setbacks, building restriction lines, and build-to-lines for the project, and will be further evaluated at the time of SDP.

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

Comprehensive Design Plan CDP-0901 proposes 131 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. Condition 7.b.(8) of CDP-0901 addresses the recreational facilities package for the development and sets forth a schedule of the phasing of the facilities in association with this development and the R-M-zoned portion of the property to the south. It should also be noted that the applicant is obligated to construct major off-site recreational facilities at nearby Brandywine Area Community Park including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue. The Planning Board found that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community.

8. At the time of Comprehensive Design Plan 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 onsite 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.

To address conditions of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant proposes the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park including: one softball field, one soccer field, and a 65-space parking lot. The first phase of park construction will have access from Missouri Avenue.

11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.

The Planning Board reviewed the inventory analysis in conjunction with CDP-0901 and found that conditions were necessary to assure that both the setback and the treatment of the edge of the development along Brandywine Road would blend the subject development with the future development across Brandywine Road, associated with the Stevens Crossing development, specifically, the development of Lot 22 as was approved in Detailed Site Plan DSP-09011.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

At the time of the CDP review, the applicant provided copies of communications sent to the adjacent projects listed, along with the Councilmanic District 9 office, but indicated that no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

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

The applicant has reached an agreement with DPR for providing off-site recreational facilities as per the basic plan condition.

Conformance with Comprehensive Design Plan CDP-0901
The Planning Board approved Comprehensive Design Plan CDP-0901 on October 7, 2010 with the following conditions that are applicable to the review of this preliminary plan of subdivision. Since the Planning Board has not adopted the resolution of approval yet, the actual wording of the conditions may be slightly different from the resolution.

Approved CDP 0901 Development Data:

	EXISTING	**PROPOSED**
Square Footage/GFA of commercial office	0	205,000
Square Footage/GFA of retail commercial	0	100,000

Dwelling Types	Approximate % of Total Units	Number of Units
L-A-C Zone		
Single-family semidetached dwellings	15.3	20
Single-family attached dwellings	8.4	11
Two-family attached dwellings	30.5	40
Multifamily condominium dwellings	45.8	60
Subtotal	100	131

It should be noted that CDP-0901 included one variance in conjunction with the CDP approval (Variance VD-0901) to allow an additional 15.8 percent in multifamily units above the allowed 30 percent maximum. Any changes to the number of units that exceed the numbers listed in the chart above should be carefully evaluated for conformance to Subtitle 27. Further, it should also be noted that the subject CDP was approved with flexibility in the number of units as stated in CDP Condition 5 below. However, the applicant will not be able to exceed the number of dwelling units approved with this preliminary plan.

In regard to the amount of proposed commercial development at the time of the basic plan, the following discussion was included in the CDP findings of the Planning Board:

> **In a memorandum dated June 18, 2009, the District Council noted that the Council's approval for A-9988-C does not indicate the "85,000 to 100,000 square foot of retail/commercial space" as requested by the applicant. Furthermore, they advised that this quoted use should be viewed as one approved by the Council for all future certifications and reviews.**

Therefore, the approved total commercial space would be 305,000 to 370,000 square feet. The total proposed commercial square footage, 305,000, listed on the proposed preliminary plan falls within this range; however, the number is at the bottom of the range and the proposed 131 residential units fall well below the allowed range. In order to assist staff in evaluating compliance with this requirement on an on-going basis, the applicant in each individual specific design plan should provide an inventory of the existing quantities of uses in the development, including the cumulative square footage/number of units of each land use as approved in the previous applications, and information as to the exact square footage/number of units proposed so that conformance with the above requirements can be evaluated.

Comprehensive Design Plan CDP 0901 Conditions:

1. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

This condition should be reiterated in the approval of the preliminary plan of subdivision.

2. The multifamily component of the project shall be developed for active adults in accordance with the Land Use Types table of the basic plan.

The uses for the parcels as labeled on the preliminary plan do not specify the multifamily units as being active adult. This should be labeled on the plan to ensure the land uses are developed per the basic plan.

3. The proposed mixed-use development on this property shall include a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.

The proposed uses listed on the preliminary plan are in conformance with this condition, but this condition should be reiterated in the approval of the preliminary plan of subdivision to ensure future conformance.

4. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

The transportation system analysis of the preliminary plan should create a trip cap that is either consistent or more restrictive that the condition above.

5. At the time of preliminary plan and SDP, the applicant may increase the residential density beyond the 131 dwelling units shown on the CDP, preferably through the addition of a multistory, mixed-use structure. However, the plans must conform to the maximum development allowed as stated in Condition 4 above. Revisions to the CDP for this purpose will not be required so long as the basic design requirements are adhered to in the proposed layout.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition by showing a total of 148 dwelling units. However, staff is concerned about the layout and is still reviewing the revisions as of the writing of this referral.

6. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

This condition should be adhered to in the lotting patterns created for fee simple lots along Mattawoman Drive. The preliminary plan does not provide dimensions on the plan and should be revised prior to signature approval to indicate such. A proposed reduction of the building restriction line (BRL) will be analyzed at the time of specific design plan.

7. Prior to certificate approval of the comprehensive design plan:

b. The CDP plan and text shall be revised as follows:

(1) The on-site private recreational facilities list contained in the CDP text and plan shall include a swimming pool and a tot-lot.

(2) The community building and swimming pool shall be relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development. A six-foot-wide trail shall be provided around the SWM pond, if possible.

(3) Add a note to the plan and text that the residential development will be limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units, in order to create a more cohesive development.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address these three conditions.

(8) Include the following phasing for the on-site private recreational facilities within the CDP text and plan.

CDP-0901 - PHASING OF AMENITIES		
FACILITY	**BOND**	**FINISH CONSTRUCTION**
One gazebo/seating area – LAC	**Prior to the issuance of any residential unit permit**	**Complete by 100th overall* residential unit permit**
2,500 sq. ft. tot lot - LAC	**Prior to the issuance of any residential unit permit**	**Complete by 100th overall residential unit permit**
Min. 2,200 square-foot Community building and swimming pool – LAC	**Prior to the issuance of 200th overall* residential unit permit**	**Complete by 300th overall residential unit permit**
Double Tennis Court - LAC	**Prior to the issuance of 200th overall residential unit permit**	**Complete by 300th overall residential unit permit**
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units. *** "Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)** **[1] Unless the District Council amends the Basic Plan condition requiring the same**		

This condition provides for guidance for the final bonding and completion of recreational facilities and the recordation of RFAs after the approval of the specific design plans for the project.

c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

The preliminary plan is unclear on this issue as there appears to be a minimum of 40 feet between the ultimate right-of-way of Brandywine Road and any development. However, the preliminary plan does not provide dimensions or labeling on the plan and should be revised prior to signature approval to indicate such to ensure compliance with this requirement. Any proposed reduction of the scenic easement width will be analyzed at the time of specific design plan.

8. Prior to the approval of a specific design plan, the following shall be provided:

a. On both corners at the intersection of Mattawoman Drive and Brandywine Road, landmark buildings shall be provided within the retail/office use areas at the entrance into the development. These buildings shall have a maximum build-to-line of 100 feet from both rights-of-way, be a minimum of 26 feet high, be faced with a minimum of 60 percent brick, stone or stucco, or other masonry materials of equivalent quality, and have enhanced architecture on all building elevations, to include, but not limited to, balanced fenestration, ornamentation, and dimensional articulated roofs. Additionally, both buildings shall include a special architectural feature, such as, but not limited to, a portico, cupola, or belvedere located at the corner of the building closest to the intersection. The area in front of the proposed landmark buildings shall be designed to enhance visual interest provided through variation in building materials and color at the street level, pedestrian-scaled signage, awnings, outdoor seating areas, and high-quality pedestrian amenities. Specific details of the retail façades shall be provided and reviewed with the specific design plan application.

This condition should be considered in determining the commercial parcel layout adjacent to the intersection of Mattawoman Drive and Brandywine Road. The parcels shown in this area on the preliminary plan are smaller and might not allow sufficient room to place these landmark buildings as required.

j. No rear elevations of commercial buildings shall be oriented toward Brandywine Road or Mattawoman Drive. Any side elevations of commercial buildings oriented toward Brandywine Road or Mattawoman Drive shall be designed with the same attention to detail as the front elevation.

This condition should be considered in determining the commercial parcel layout adjacent to Mattawoman Drive and Brandywine Road. The parcels shown in this area on the preliminary plan do not seem to prohibit the building arrangement as required by this condition.

k. An appropriate landscape bufferyard shall be provided between the commercial and residential uses unless a street is located between them with single-family homes fronting the road. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.

This condition should be considered in determining the residential lot and parcel layout adjacent to the commercial parcels. The parcels and lots shown in this area on the preliminary plan appear to be in general conformance with this condition.

l. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network, unless such environmental constraints/impacts exist that make this impractical.

This condition should be considered in determining the residential lot and parcel layout adjacent to the trail along the stream valley. The buildings and lots shown in this area on the preliminary plan appear to be in general conformance with this condition.

s. A Phase II noise study for any residential units along Mattawoman Drive shall be submitted for review. The Phase II noise study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at the time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.

Any request to reduce the lot depth requirements along the Mattawoman Drive right-of-way cannot be thoroughly addressed until the time of specific design plan, just as issues relating to reduced building restriction lines should not be evaluated without the Phase II noise study.

v. A 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.

The preliminary plan is unclear on this issue as there appears to generally be a minimum of 30 feet between the ultimate right-of-way of Mattawoman Drive and any development. However, the preliminary plan does not provide dimensions or labeling on the plan and should be revised prior to signature approval to indicate such to ensure compliance with this requirement.

w. The residential development shall be designed to minimize the use of public streets ending in cul-de-sacs in order to promote vehicular circulation.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition. However, additional review will occur with subsequent SDPs.

13. The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—L-A-C ZONE[1]

	Two-family attached	Single-family semidetached[8, 9]	Single-family attached[3, 8, 9]	Active-Adult Multifamily[4]
Minimum Net Lot Area	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	35[10]	35	35[10]	50[10]
Minimum building setback from Mattawoman Drive[11]	50 feet	50 feet	50 feet	50 feet
Minimum front setback[5]	N/A	20 feet	[3, 6]	[7]
Minimum side setback[5]	N/A	10 feet	[6]	[7]
Minimum rear setback[5]	N/A	20 feet	[6]	[7]
Minimum side setback to street[5]	N/A	20 feet	[6]	[7]
Maximum residential building height[12]	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	40	45.8[2]

[1] All parking is governed by Part 11 of the Zoning Ordinance.

[2] Variance requested from the maximum multifamily dwelling unit percentage, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.

[3] Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 30-foot front yard setback in order to reduce the length of the driveway.

[4] To be developed as condominiums and as an active adult community, per A-9988-C.

[5] Stoops and/or steps may encroach into yard area.

[6] Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

[7] For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback.

[8] Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

[9] Fences in the front yard shall not be more than four feet high.

[10] This percentage is for building coverage (and not for lot coverage) of the overall net tract area.

[11] At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.

[12] These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

ACCESSORY BUILDINGS—L-A-C ZONE

Maximum Lot Coverage (%)	**25**
Minimum setback from front street line	**60 feet**
Minimum setback from side lot line	**2 feet**
Minimum setback from rear lot line	**2 feet**
Corner lot - Minimum setback from side street line (along which an abutting lot fronts)	**10 feet**
Corner lot - Minimum setback from side street line (along which an abutting lot does not front)	**7 feet**
Maximum building height above grade	**15 feet**

Note: No accessory building shall be located closer to the street line than the main building on the lot or parcel.

COMMERCIAL USES—L-A-C ZONE

	Commercial Office	**Commercial Retail**	**Employment /Flex Space**
Minimum Net Lot Area	**N/A**	**N/A**	**N/A**
Minimum frontage at street R.O.W	**N/A**	**N/A**	**N/A**
Minimum frontage at Front B.R.L.	**N/A**	**N/A**	**N/A**
Maximum Lot Coverage (%)	**N/A**	**N/A**	**N/A**
Maximum Build-to-Line along Mattawoman Drive	**100 feet**	**100 feet**	**100 feet**
Minimum front setback from R.O.W.	**30 feet**	**30 feet**	**30 feet**
Minimum side setback	**30 feet**	**30 feet**	**30 feet**
Minimum rear setback	**30 feet**	**30 feet**	**30 feet**
Maximum building height	**N/A**	**N/A**	**N/A**
Minimum parking spaces	**As required by Part 11 of the**		

The preliminary plan should adhere to the standards set above and the same standards should be added to the plan prior to signature approval.

20. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval three weeks prior to submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition of approval of the CDP is noted for its requirement prior to the submission of the final plat of subdivision.

21. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be done at least two weeks prior to applying for any building permits.

This condition of approval of the CDP is noted for its requirement prior to the submission of any building permits.

22. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

23. The private recreational facilities shall be reviewed by the Urban Design Section as designee of the Planning Board for adequacy, conformance to the *Park and Recreation Facilities Guidelines*, and location during the specific design plan review.

The two above conditions will be further analyzed at the time of specific design plan to ensure that the RFA and bonding will result in the completion of the recreational facilities in phase with the development, and that recreational facilities will be available to future residents in an appropriate time frame.

24. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition of approval of the CDP is noted for its requirement prior to the submission of the final plat of subdivision.

25. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be done at least two weeks prior to applying for any building permits.

This condition of approval of the CDP is noted for its requirement prior to the submission of any building permits. It should also be noted that bonding of the project is subject to the timing of permits associated with the appropriate phase of development as stated in CDP Condition 7.b.(8), addressed above.

28. The applicant shall provide sufficient dedication on the preliminary plan along Brandywine Road for on-road bike lanes in accordance with SHA standards and AASHTO guidance.

This condition of approval of the CDP is noted for its requirement of sufficient dedication along Brandywine Road for on-road bike lanes. This condition is addressed by the Transportation Planning Section.

30. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

This condition of approval of the CDP is noted for its requirement and its fulfillment of basic plan Condition 5 above.

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This condition is noted for its requirement and should be discussed further prior to the approval of specific design plans, in order to determine the final disposition of the trail.

41. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:

a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.

b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.

The preliminary plan reflects these rights-of-way as required within the portion of the property covered by CDP-0901.

43. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.

a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.

b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.

c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381at Mattawoman Drive.

d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

This condition is addressed in the Transportation section of this report.

45. At the time of SDP review, the applicant may redesign the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.

The applicant submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition.

Conformance with the Zoning Ordinance
The application must comply with all applicable requirements of the Zoning Ordinance. Certain requirements are discussed at this time because they directly affect lot sizes, lotting patterns, and unit yields. These include:

Section 27-496(d) L-A-C Zone Regulations
Section 27-496(d) indicates that each lot in the L-A-C Zone shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code. It should be noted that the sketch plan, as submitted, does not specify parcel or lot lines for the multifamily or two-family attached portions of the development, so it is unclear whether or not this requirement is met. It is recommended that the private 50-foot right-of-way, as shown on the sketch plan, be defined as a public right-of-way since townhouse lots, multifamily buildings, and the recreational facilities front this street.

Section 27-480(b) CDZ General Development Regulation
Section 27-480(b) indicates that the minimum lot area for townhouses shall be 1,800 square feet. The preliminary plan as submitted does indicate conformance to this issue; however, the sketch plan submitted does not specify lot size. It is recommended that labels be provided on the plan prior to signature approval to ensure compliance with this requirement.

Section 27-480(d) CDZ General Development Regulation
Section 27-480(d) indicates that there shall be no more than six townhouses per building group in any comprehensive design zone, except where the applicant demonstrates that more than six dwelling units (but not more than eight dwelling units) would create a more attractive living environment or would be more environmentally sensitive. Additionally, in no event shall there be more than nine dwelling units in a building group, and garage parking within all building groups shall be provided in rear-loaded garages except where the rears of the units are located along open space areas along the perimeter of the development area or areas of steep topography. The sketch plan as submitted does indicate conformance to this issue; however, the sketch plan submitted does not label lot types clearly. It is recommended that lot labels be provided on the plan prior to signature approval to ensure compliance with this requirement.

Section 27-480(e) CDZ General Development Regulation
Section 27-480(e) indicates that the minimum building width for townhouses in any continuous, attached group shall be 20 feet. The sketch plan does not label the lot dimensions, so it is recommended that lot dimensions be provided on the plan prior to signature approval to ensure compliance with this requirement.

Conformance with the Prince George's County Landscape Manual
The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Prince George's County Landscape Manual.* Although Section 4.7 does not technically apply in comprehensive design zones, Urban Design staff used the requirements as a guide. Conformance with these requirements will be judged at the time of specific design plan approval.

Other Design Issues
The preliminary plan included a variation request from the 150-foot lot depth requirement along an arterial road (Mattawoman Drive), per Section 24-121(a)(4) of the Subdivision Regulations, that affected only lots and parcels within the R-M Zone. However, it is unclear whether this variation would now apply to the lots and parcels within the L-A-C Zone as the submitted sketch plan does not provide parcel lines or dimensions for review. With the addition of this information, if it is now determined that a variation from the lot depth is necessary within the L-A-C Zone, it will be difficult to make urban design comments regarding adequate protection and screening from traffic nuisances as details or descriptions of proposed protection measures, such as earthen berms, plant materials, fencing, and/or the establishment of a building restriction line have not been labeled or provided. Noise mitigation measures must be further addressed at the time of SDP when a Phase II noise study is recommended.

Block A, the commercial/employment area of the site, has lot lines running through drive aisles and parking lots which will create difficulties in complying with the requirements of Section 4.3.b., Parking Lot Perimeter Landscape Strip, of the Landscape Manual. This issue of perimeter parking lot landscaping within office parks allows for smaller compounds and should be considered in the preliminary plan process. The applicant should be prepared to revise the plan or consider the possibility of the requirements for alternative compliance or departure applications to address Section 4.3.b. at the time of specific design plan if necessary.

16. **Urban Design: R-M Zone—**This referral is based on revised plans submitted by the applicant for Preliminary Plan of Subdivision 4-09003, The Villages at Timothy Branch.

The subject Preliminary Plan of Subdivision, 4-09003, seeks to subdivide a 334.26-acre property into 580 lots and 68 parcels in order to develop a mixed-use project including 1,200 residential dwelling units and approximately 305,000 square feet of commercial gross floor area. The Timothy Branch project includes 262 acres in the R-M (Residential Medium Development) Zone and 72.26 acres in the L-A-C (Local Activity Center) Zone. The R-M-zoned portion of the property is located east of US 301/MD 5, on both sides of proposed Mattawoman Drive, north of Matapeake Business Drive, and the L-A-C-zoned portion of the property is located on the south side of Brandywine Road. Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion of the property and CDP-0902 for the R-M-zoned portion of the property were reviewed and approved by the Planning Board on October 7, 2010. However, at the time of the writing of this report, the Planning Board has not yet adopted the resolutions for both comprehensive design plans.

This referral focuses on the R-M-zoned portion of the property, its previous Basic Plan approval (A-9987-C), and the subsequent Comprehensive Design Plan approval (CDP-0902).

Conformance with Zoning Map Amendment Applications A-9987-C
On June 16, 2008, the property was conditionally rezoned to the R-M and L-A-C Zones through County Council approval of A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program, 12 conditions, and one consideration. The condition and consideration that are applicable to the review of this preliminary plan of subdivision have been listed in bold face type below, followed by comments and recommendations regarding these requirements.

Approved Land Use Program A-9987-C (R-M)

Land Use Types and Quantities

Total area:	**262± acres**
Land in the 100-year floodplain:	**19 acres**
Adjusted Gross Area:	**243 acres**
Density permitted under the R-M Zone:	**3.67-5.7 du/ac**
Permitted dwelling unit range:	**874.8–1,385.1 du**

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

The approval of CDP-0902 included the following breakdown of units:

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone		
Single-family Detached	9.45	101
Townhouses	34.42	368
One-Family Semi-Attached (Duplex)	7.48	80
Two-Family Attached (Two-Over-Twos)	29.18	312
Multifamily	19.45	208
Total Units in the R-M Zone	99.98 or approximately 100%	1,069

It should be noted that CDP -0902 included a two-part variance in conjunction with the CDP approval (Variance VD-0902) to allow an additional 9.5 percent in multifamily units (for a total of 208 multifamily units) and 4.4 percent in townhouse units (for a total of 368 townhouse units). Any changes to the number of units that exceed the numbers listed in the chart above should be carefully evaluated for conformance to Subtitle 27.

Basic Plan 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.

The Planning Board addressed the condition above through conditions of approval for CDP-0902, which was found to be 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)

This condition was addressed by the Transportation Planning Section at the time of comprehensive design plan and is also addressed with the preliminary plan of subdivision.

3. The applicant shall 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.

In the review of CDP-0902, this issue was discussed at length, the main issue being that, as was testified by the Department of Parks and Recreation (DPR) at the Planning Board hearing, DPR is not interested in acquiring the property associated with the Timothy Branch steam valley, nor are they interested in being party to a public use easement for the master plan trail as discussed previously. DPR staff also testified that the proposed master plan trail along the Timothy Branch stream valley will terminate at Brandywine Road because a road crossing at that location would create a safety hazard. Staff further stated that the master plan trail located along Mattawoman Drive will adequately serve users traveling between the subject site and properties on either end of the subject site. The Planning Board recognized these issues and agreed with the applicant's proposed language as adopted in a condition of the Planning Board's approval of the CDP.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive is a master-planned arterial road. The Planning Board found that providing a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete side path on the east side, in accordance with DPW&T standards addresses the condition above.

6. The applicant shall 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 Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Conditions of the CDP and this preliminary plan address specific requirements for the sidewalk and trail network discussed in this condition.

7. 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 standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

The CDP has a condition to address the requirements for setbacks, building restriction lines, and build-to-lines for the project, and will be further reviewed with the SDPs.

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

The subject CDP proposes 1,069 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. The CDP addresses the recreational facilities package for the development and sets forth a schedule of the phasing of the facilities in association with the development. It should also be noted that the applicant is obligated to construct major off-site recreational facilities at the nearby Brandywine Area Community Park including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue. The Planning Board found that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community, and as discussed in the Parks and Recreation section of this report.

8. At the time of Comprehensive Design Plan 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 onsite 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.

To address this condition of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant has proposed the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) including: one softball field, one soccer field, and a 65-space parking lot.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

At the time of CDP review, the applicant provided copies of communications sent to the adjacent projects listed along with the Councilmanic District 9 office, but indicated that no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

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

The applicant has reached an agreement with DPR for providing off-site recreational facilities, as per the basic plan condition, on Parcel A, Brandywine Community Park (M-NCPPC).

Conformance with Comprehensive Design Plan CDP-0902
The Planning Board approved Comprehensive Design Plan CDP-09002 on October 7, 2010 with the following conditions that are applicable to the review of this preliminary plan of subdivision. As of the writing of this report, the Planning Board had not adopted the resolution of approval. Therefore, the actual wording of the conditions may be slightly different from the resolution.

1. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

This condition should be reiterated in the approval of the preliminary plan of subdivision.

2. The total area within the L-A-C Zone (CDP-0901) and the R-M Zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

A trip cap is recommended.

3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

This condition should be adhered to in the lotting pattern for fee simple lots along the right-of-way of Mattawoman Drive. For ease of review, the preliminary plan of subdivision

should be revised prior to signature approval to indicate the 50-foot building restriction line (BRL) along the ultimate right-of-way of Mattawoman Drive. Any proposed reduction of this BRL will be analyzed at the time of specific design plan.

4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

This condition should be adhered to in the lotting pattern for fee simple lots along the right-of-way of US 301. For ease of review, the preliminary plan of subdivision should be revised prior to signature approval to indicate the 200-foot BRL along the ultimate right-of-way of US-301. Any proposed reduction of this BRL will be analyzed at the time of specific design plan.

5. Prior to certificate of approval of the subject comprehensive design plan:

a. Show the proposed transit alignment and include the following label:

"Possible Future Transit alignment (subject to further future environmental review)."

The preliminary plan and all future specific design plans should show this transit alignment. Lot lines for single and two-family unit types should be free and clear of the future right-of-way for the transit facility.

b. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.

The preliminary plan should show the access in an outlot, which could be conveyed in the future by the applicant and his heirs, successors, and/or assignees, providing direct access to Short Cut Road and divert industrial traffic away from Mattawoman Drive at such time as both parties are in agreement.

c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE[1]

	One-family detached	Two-family attached	Single-family semidetached[8, 9]	Single-family attached[3, 8, 9]	Multifamily
Minimum Net Lot Area	**6,000 sq. ft.**	**N/A**	**3,600 sq. ft.**	**1,800 sq. ft.**	**N/A**
Minimum frontage at street R.O.W	**60**	**N/A**	**36 feet**	**20 feet**	**N/A**
Minimum frontage at Front B.R.L.	**60**	**N/A**	**36 feet**	**20 feet**	**N/A**
Minimum frontage – corner lot	**70**	**N/A**	**40 feet**	**30 feet**	**N/A**
Maximum Lot Coverage (%)	**30**	**35[4]**	**35**	**35[4]**	**50[4]**
Minimum building setback from Mattawoman Drive	**50 feet**	**50 feet**	**50 feet**	**50 feet**	**50 feet**
Minimum building setback from Robert Crain Highway (US 301)	**TBD[10]**	**TBD[10]**	**TBD[10]**	**TBD[10]**	**200 feet[10]**
Minimum front setback[5]	**25**	**N/A**	**20 feet**	**3, 6**	**7**
Minimum side setback[5]	**10**	**N/A**	**10 feet**	**6**	**7**
Minimum rear setback[5]	**20**	**N/A**	**20 feet**	**6**	**7**
Minimum side setback to street[5]	**25**	**N/A**	**20 feet**	**6**	**7**
Maximum residential building height[11]	**40**	**55 feet**	**45 feet**	**45 feet**	**80 feet**
Maximum percentage of total units	**N/A**	**N/A**	**N/A**	**50[2]**	**25[2]**
Minimum frontage on cul-de-sac	**40**	**N/A**	**N/A**	**N/A**	**N/A**

[1] All parking is governed by Part 11 of the Zoning Ordinance.

[2] Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

[3] Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

[4] This percentage is for building coverage (and not for lot coverage) of the overall net tract area

[5] Stoops and/or steps may encroach into yard area.

[6] Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

[7] For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

[8] Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

[9] On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

[10] The minimum building setback for one-family detached, two-family detached, single-family semidetached and single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

[11] These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

The preliminary plan of subdivision should adhere to the above standards and a note should be required to be added to the preliminary plan of subdivision prior to signature approval.

10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.

This condition is addressed in the Environmental section of this report.

11. If, revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.

This condition is addressed in the Environmental section of this report.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

Any request to reduce the lot depth requirement along either Mattawoman Drive or the US 301 right-of-way cannot be thoroughly addressed until after receipt of a Phase II noise study. The specific design plan will address building restriction lines and the protection of outdoor activity areas from unmitigated noise levels above 65 dBA. The Urban Design Section would support the granting of the variation of the lot depth requirement for the project along Mattawoman Drive and US 301with condition, due to the lack of provision of supporting information in the applicant's statement of justification.

The applicant claims that the revised layout creates a natural buffer for all of the lots along A-63, Mattawoman Drive, but has not provided evidence of the reduction in noise level for the outdoor activity areas associated with the units. A berm along US 301 may provide sufficient buffering to adequately mitigate the noise generated, but should be demonstrated with a Phase II noise study. Conditions are recommended to address adverse noise impacts at the time of SDP, and discussed further in the Environmental section of this report.

26. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to the Department of Parks and Recreation for their approval three weeks prior to the submission of a final plat. Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

27. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be required at least two weeks prior to applying for building permits.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

28. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines.*

29. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.

These conditions will be further analyzed at the time of specific design plan to ensure that the RFA and bonding will result in the completion of the recreational facilities in phase with the development, and that recreational facilities will be available to future residents in an appropriate time frame.

30. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

31. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CDP-0902 - PHASING OF AMENITIES		
FACILITY	**BOND**	**FINISH CONSTRUCTION**
7,500 sq. ft. multiage – RM1	**Prior to the issuance of any residential unit permit**	**Complete by 200th overall* residential unit permit**
7,500 sq. ft. multiage – RM3	**Prior to the issuance of any residential unit permit within RM3**	**Complete by 450th overall residential unit permit**
20,000 sq. ft. Open play area – RM 4	**Prior to the issuance of any residential unit permit within RM4**	**Complete by 600th overall residential unit permit**
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	**Prior to the issuance of 500th overall* residential unit permit**	**Complete by 750th overall residential unit permit**
2,500 sq. ft. tot-lot – RM2	**Prior to the issuance of 500th overall residential unit permit**	**Complete by 750th overall residential unit permit**
5,000 sq. ft. per teen – RM2	**Prior to the issuance of 500th overall residential unit permit**	**Complete by 750th overall residential unit permit**
7,500 sq. ft. multiage – RM5	**Prior to the issuance of any residential unit permit with RM5**	**Complete by 1,000th overall residential unit permit**
Timothy Branch Stream Valley Trail[1] (approx. 5,600 L.F.) or other recreational trail	**Prior to the issuance of any residential unit permit for the adjacent pod**	**Complete with adjacent pod development**
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units. *** "Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)** **1 Unless the District Council amends the Basic Plan condition requiring the same**		

This condition provides guidance for the final bonding and completion of recreational facilities and the recordation of RFAs, after the approval of the specific design plans for the project. The bonding of the recreational facilities is allowed to be sectionalized in accordance with the above schedule. Minor revisions to this chart will be permitted based on the final analysis of the facilities proposed, and the timing of bonding and construction.

32. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be required at least two weeks prior to applying for building permits.

This condition is noted for its requirement prior to submission of the final plat of subdivision. It should also be noted that the bonding of the project is subject to the timing of permits associated with the appropriate phase of the development, as stated in CDP-0902, Condition 31.

34. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

This condition is noted for its requirement and fulfillment of Basic Plan A-9987-C, Condition 5.

40. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This condition is noted for its requirement unless the District Council amends the basic plan condition requiring the trail, and is discussed further in the Trails section of this report.

44. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:

a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.

The preliminary plan addresses this condition.

45. The applicant and/or the applicant's heirs, successors, or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.

a. A third northbound through land along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at

Mattawoman Drive shall be constructed by the applicant if required by SHA.

b. A northbound left-turn land along US 301 at Mattawoman Drive, subject to SHA approval.

c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.

d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

This condition is addressed in the Transportation section of this report.

47. The R-M portion of the CDP shall be modified to indicate that the portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.

The preliminary plan should be revised prior to signature approval in accordance with the condition above.

Conformance with the Zoning Ordinance
The application must comply with all applicable requirements of the Zoning Ordinance. Certain requirements are discussed at this time because they directly affect lot sizes, lotting patterns, and unit yields. These include:

Section 27-509(d) R-M Zone Regulations
Section 27-509(d) indicates that each lot in the R-M Zone shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code. It should be noted that the sketch plan, as submitted, does not specify parcel or lot lines for the multifamily portions of the development. Whether they are parcel or lot lines, the applicant should be required to demonstrate conformance with this requirement unless the elements of the exception have been met.

Section 27-480(d) CDZ General Development Regulation (in part)

There shall be no more than six (6) townhouses per building group in any Comprehensive Design Zone (with the exception of the V-L and V-M Zones) for which an application for a specific Design Plan is filed after December 30, 1996, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the SDP, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width…

This section of the Zoning Ordinance applies to the townhouses proposed within the R-M Zone and will be addressed at the time of specific design plan review for the project.

Section 27-480(e) CDZ General Development Regulation

> **The minimum building width for townhouses in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space for a townhouse shall be one thousand two hundred and fifty (1,250) square feet in any development for which an application for a Specific Design Plan is filed after December 30, 1996 (with the exception of townhouses in the V-L and V-M Zones and, as it applies to the minimum building width only, townhouses on property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or planned Washington Metropolitan Area Transit Authority Metrorail station). For the purposes of this subsection, "gross living space" shall be defined as all interior building space except the garage and unfinished basement or attic area.**

This section of the Zoning Ordinance applies to the townhouses proposed within the R-M Zone and will be addressed at the time of specific design plan review for the project.

Conformance with the Prince George's County Landscape Manual
The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Prince George's County Landscape Manual.* Although Section 4.7 does not technically apply within comprehensive design zones, it will be used as a guide in the review and approval of specific design plans for the project.

Other Design Issues
The variation request from the 150-foot lot depth requirement along the arterial roadway, Mattawoman Drive, and the 300-foot lot depth requirement along US 301, per Section 24-121(a)(4) of the Subdivision Regulations, will be further evaluated with the review of the Phase II noise study at the time of SDP to ensure that the rear yards of the units are protected from noise levels exceeding 65 dBA Ldn. The current information on the plan indicates that the majority of units located within Block F are entirely impacted by greater than 65 dBA Ldn unmitigated noise contour. Section 24-121(a)(4) requires that protection be provided via earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. The use of a berm or noise wall is not appropriate along Mattawoman Drive as the units front on the arterial roadway.

Along US 301, the use of a berm is conceptually shown on the plan, but the impact of the berm on noise volumes has not yet been determined and will be with the review of a Phase II noise study. Therefore, along each edge of the development, staff recommends that, at the time of approval of specific design plans for the project, the 65 dBA Ldn mitigated noise line be shown on the plans and all rear yards of either single-family detached, single-family attached, or two-family dwellings provide a minimum 25-foot-wide outdoor activity area free of noise intrusion above the 65 dBA Ldn mitigated line. It should be noted that the project's US 301frontage is interrupted by an independent parcel that is cleared. It may be difficult to create a berm in this area and therefore, a noise wall may be more appropriate.

In some areas, like Block E, it is not clear where recreational areas are to be located. All outdoor recreational areas have to be located outside of the 65 dBA Ldn line at the time of SDP. The mitigated 65 dBA Ldn line and more precise location information for outdoor recreational areas should be shown on the specific design plan.

All stormwater ponds should be designed as visual amenities and placed so as to complement recreational facilities. A homeowners association trail should be provided around all ponds if possible.

In Block D, create a visual break and convenient direct pedestrian connection between the trail and the main recreational facility in Parcel D.

A redesign of Block E for the layout of multifamily buildings is necessary to provide a cohesive community that reduces or eliminates surface parking, provides a central focal recreational space, and provides an appropriate location for future pedestrian connections to the off-site transit stops. Special attention should be paid to landscaping and architecture of the buildings along Mattawoman Drive at time of specific design plan. The footprints of buildings and parking areas should be deleted from the preliminary plan to allow more flexibility in design at the time of approval of specific design plans regarding layout of structures and choice of multifamily product type.

17. **Stormwater Management—**The Department of Public Works and Transportation has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 11355-2009-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan, and any subsequent revisions.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:

    a. Comprehensive Design Plans CDP-0901 and CDP-0902 and the accompanying text shall be certified;

    b. Incorporate the changes required by the approved CDPs and accompanying text into the preliminary plan, including the residential portion of the L-A-C Zone and the RM-3 and RM-5 sections of the R-M Zone.

    c. Clarify parcel lines to show a 150-foot lot depth for all residential parcels abutting Mattawoman Drive; and,

    d. Show that all accesses and rights-of-way conform to the standards of Section 24-128 of the Subdivision Regulations.

    e. Remove all proposed structures.

    f. Provide a list of existing parcels.

    g. Correct the number of lots and parcels proposed.

    h. Provide reference to the variations approved.

2. Prior to signature approval of the preliminary plan:

a. The TCP1 shall be revised as follows:

(1) Provide on-site a total of the woodland conservation threshold plus the additional acreage required for clearing below the woodland conservation threshold, and add a note indicating that this standard shall be maintained on all future tree conservation plans.

(2) To conform to the ultimate rights-of-way as approved on the preliminary plan and eliminate woodland conservation from proposed ultimate rights-of-way and easements.

(3) Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.

(4) Provide the minimum required widths and areas for preservation and afforestation areas. If landscaped areas are proposed, they must be appropriately shaded and labeled including a note that the areas shall contain at least 50 percent trees and that the detailed plant schedules will be provided with the SDP.

(5) Add the following note to the standard TCP1 notes:

> "Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and off-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

(6) Meet the requirements of the Environmental Technical Manual with regard to standard notes.

(7) Add a note to the specimen tree table stating the method of specimen tree location (field or survey located).

(8) Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.

(9) To show no afforestation or preservation areas within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District reviewers.

(10) To reflect correct plan numbering nomenclature on the approval blocks of all sheets.

(11) To reflect all of the revisions included above on the woodland conservation worksheet.

(12) Have the revised TCP signed and dated by the qualified professional who prepared it.

b. The preliminary plan and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

c. The proposed noise berm shall be shifted to the east in order to eliminate proposed Impact 5.

d. Provide a tree canopy coverage (TCC) schedule on the TCP1 indicating how the TCC requirement has been fulfilled.

e. The preliminary plan and TCP1 shall be revised to show a lotting pattern and berm design that show the berm footprint completely on-site and provide a 100-foot-wide berm footprint throughout its length.

f. The locations of noise contours and required lot depths shall be verified on the preliminary plan and TCP1 to ensure they remain in conformance with the provisions of the Subdivision Regulations and the approved variation.

3. Prior to approval of the SDP, the the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.

4. The approval of the final plat shall not occur until after the approval of the associated specific design plan that approves all of the proposed development, the associated building envelopes, and the areas to be preserved and/or planted.

5. At the time of final plat:

a. A conservation easement shall be described by bearings and distances, and shall include the entirety of the regulated environmental features on the site except for any areas of impacts approved by the Planning Board as shown on the approved Type 2 tree conservation plan. The plat shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

> "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee and the approval of a revised tree conservation plan. The removal of hazardous trees, limbs, branches, or trunks is allowed."

b. The following note shall be placed on the plat:

> "Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and off-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

c. The following note shall be placed on the plat:

> "Development is subject to restrictions shown on the approved Type1 Tree Conservation Plan (TCP1-150-90/02), or as modified by future revisions, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Type TCP1 Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County, Planning Department."

d. Woodland conservation requirements that cannot be fulfilled on-site for the subject application shall be provided off-site within the Mattawoman Creek watershed. The following note shall be placed on the final plat of subdivision:

> "All off-site woodland conservation requirements for the subject project shall be fulfilled within the Mattawoman Creek watershed."

6. Prior to approval of the first SDP, a stream and/or wetland mitigation plan shall be required if the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers. If this occurs, the first SDP submission package shall include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible mitigation sites shall be as follows: the Stream Corridor Assessment database shall be researched by the applicant and a list of possible mitigation sites shall be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation shall be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

7. At the time of the first SDP submittal, the submission package shall include a proposed site development stormwater management plan for review as part of the SDP application.

8. Prior to signature approval of any Type 2 tree conservation plan which proposes to credit, as woodland conservation, planting occurring with a stormwater management easement, an approved site development stormwater management plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by DPW&T with regard to the location, size, and plant stocking proposed.

9. A Phase II noise study shall be submitted for review with each SDP for residential uses. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn exterior and 45dBA Ldn interior throughout the site.

10. The appropriate SDP shall show noise mitigation measures for the single-family detached lots impacted by noise levels of 65 dBA Ldn or greater along Mattawoman Drive. Mitigation for outdoor activity areas, as defined by the SDP, may include fencing or walls necessary to reduce the noise levels in the outdoor activity areas to 65 dBA Ldn or less.

11. Applications for building permits for lots and structures identified on the SDP requiring noise mitigation measures shall contain a certification, to be submitted to M-NCPPC, prepared by a

professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

12. The SDP for development that abuts historic Brandywine Road shall be referred to SHA for evaluation and implementation of context sensitive solutions (CSS) as required by SHA policy, and as appropriately reflected on the SDP.

13. Prior to the approval of building permits for 20 percent of the residential dwelling units within Preliminary Plan 4-09003, the applicant shall provide to the Department of Parks and Recreation (DPR) an approved TCP2 for the construction of Phase 1 recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79). If off-site woodland conservation on parkland is proposed to fulfill the woodland conservation requirements for the Brandywine Area Community Park, the applicant shall be responsible for preparing a TCP2 or a revision to an existing TCP2 demonstrating how the requirement will be fulfilled. If off-site woodland conservation on parkland is required, then a woodland conservation transfer certificate shall be submitted to the Planning Department prior to the issuance of any grading permits for the Brandywine Area Community Park.

14. Prior to the approval of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall provide M-NCPPC copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the associated mitigation plans.

15. The applicant and the applicant's heirs, successors, and/or assignees shall provide off-site public recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

16. Prior to approval of building permits for 50 percent of the residential dwelling units within Preliminary Plan 4-09003, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) as conceptually shown on Exhibit B, which includes the following:

    - softball field
    - soccer field
    - 65-space parking lot
    - access road from Missouri Avenue

17. Prior to approval of building permits for 20 percent of the residential dwelling units, including single-family and multifamily units, the applicant shall submit to DPR, for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities in the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79)

18. The applicant and the applicant's heirs, successor, and/or assignees shall:

    a. Be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area Community Park.

    b. Construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.

c. Provide tree mitigation required for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park on-site and/or off-site on parkland.

19. Prior to approval of a final plat, the applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and reflected on the final plat.

20. The applicant and the applicant's heirs, successors, and/or assignees shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.

21. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by M-NCPPC for adequacy and proper siting at the time of specific design plan.

22. The applicant shall submit three original executed private RFAs for the private on-site recreational facilities to the Development Review Division (M-NCPPC) for approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

23. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities in an amount to be determined by DRD, in accordance with the timing established in each SDP.

24. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

    a. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA.

    b. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.

    c. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.

    d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.

    e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.

f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.

g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.

h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.

i. The eight-foot-wide master plan trail along the entire length of the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots.

j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.

k. Sidewalk and sidepath construction shall be provided concurrently with road construction. Construction of the Timothy Branch trail shall be in phase with the development of adjacent residential development.

l. The need for additional facilities and amenities for pedestrians at transit stops will be evaluated at the time of SDP.

25. At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:

a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.

b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's frontage.

26. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.

b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.

c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.

d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

27. The applicant and the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward construction of these off-site transportation improvements shall be payment of the following:

A fee calculated as $1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family unit, a fee calculated as $1,306 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as $1,187 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multifamily unit, a fee calculated as $886 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of the issuance of building permits. Prior to the issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

a. Widening US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.

b. Installing a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.

c. Making minor widening/striping improvements to the US 301/MD 5 interchange ramps.

d. Widening US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.

e. Reconstructing the traffic signal at US 301/MD 381.

f. Installing a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.

g. Providing a grade separation at the point the spine road crosses US 301 northeast of T.B.

h. Reconstructing the traffic signal at MD 5/Brandywine Road.

i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.

j. Construction of an interchange in the area of MD 5 and A-63, north of T.B.

k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.

l. Widening US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.

m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

28. Total development of the overall site shall be limited to uses that would generate no more than 1,269 AM and 1,775 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

29. Prior to signature approval, the preliminary plan shall be modified as follows:

a. The portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.

b. Indicate a means of access across Parcel G for the developed E-I-A-zoned property (Parcel E of Brandywine Commerce Center) between that site and Short Cut Road.

c. Remove the "Alternative Alignment for Master Plan I-503" notation and show only that area of the subject property needed to accommodate a future industrial road connection as a separate parcel or outlot.

d. Add a note stating: "A 40-foot-wide strip parallel and adjacent to US 301/MD 5 has been identified as a Possible Future Transit Alignment subject to further future environmental review."

30. All appropriate specific design plans shall limit access to A-63 as follows:

    a. Any public or private streets shown on the approved preliminary plan.

    b. A maximum of two driveways within the L-A-C-zoned portion of the site to serve Parcels A through L of Block A.

    c. A maximum of two driveways within the R-M-zoned portion of the site to serve Parcels A and B of Block E.

31. The final plat shall note a denial of access along the site's frontage of US 301/MD 5.

32. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the *Guidelines for Archeological Review*.

33. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

34. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), federal agencies, and the Maryland Historical Trust. The National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

35. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

36. Prior to signature approval of the preliminary plan, CDP-0901 and CDP-0902 shall be certified.

37. Prior to signature approval of the preliminary plan, the preliminary plan shall conform to all applicable Zoning Ordinance requirements and CDP conditions, including the following:

    a. A minimum 50-foot building restriction line shall be shown on the plan for all residential buildings along Mattawoman Drive.

    b. The multifamily units within the L-A-C Zone shall be labeled for active adult use only.

    c. The plan shall list the proposed mixed-use development on this property as including a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.

    d. The plan shall be revised to show the community building and swimming pool relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development.

e. The plan shall be revised to reflect that the residential development is limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units.

f. The plan shall show a minimum 40-foot wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements along the southern frontage of Brandywine Road.

g. The plan shall show a 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.

h. The plan shall show the residential development designed to minimize the use of public streets ending in a cul-de-sac.

i. The plan shall be revised to reflect the development standards approved in CDP-0901 and CDP-0902 for all residential and commercial uses in the L-A-C and R-M Zones.

j. The plan shall be revised to reflect a minimum lot area for townhouses of 1,800 square feet.

k. The plan shall be revised to reflect no more than six townhouses per building group, except where otherwise reviewed and approved.

l. The plan shall be revised to reflect a minimum width of 20 feet for all townhouses.

m. The plan shall be revised to reflect a redesign of the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.

n. The plan shall be revised to show the private loop road as a public right-of-way, to provide street frontage for all of the proposed internal residential lots and parcels.

o. A minimum 200-foot-wide building restriction line shall be shown on the plans along US 301 on parcels where multifamily units are proposed.

p. Show the proposed transit alignment and include the following label: “Possible Future Transit Alignment.”

q. The plan shall show an outlot for use as to access from the existing warehouse/distribution facility on Mattawoman Drive (A-63) to Short Cut Road which could be conveyed in the future from the applicant and his heirs, successors, and/or assignees.

r. The plan shall be changed prior to signature approval to reflect a 120 foot right-of-way along the entirety of Mattawoman Drive.

s. The plan shall be revised to delete the multifamily layout shown on the plans to allow for design, to be determined at the time of review and approval of the relevant SDP.

t. The plan shall be revised to reflect a redesign of the residential pod within Parcels C and D to include additional connectivity and the formation of pedestrian friendly blocks and a recreational facility.

38. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each future plan of development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.

39. At the time of specific design plan, all outdoor activity areas associated with individual units, multifamily units, or common recreational areas shall be outside the mitigated 65 dBA Ldn noise contour line.

40. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

41. Prior to the approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open space land as identified on the approved specific design plan. Land to be conveyed shall be subject the following:

a. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

b. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

c. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.

d. Any disturbance of land to be conveyed to HOA shall be in accordance with an approved SDP or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.

e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by DRD.

g. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

42. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.

STAFF RECOMMENDS APPROVAL WITH CONDITIONS OF TCP1-151-90-02 AND
A VARIATION TO SECTION 24-121(a)(3)
A VARIATION TO SECTION 24-121(a)(4)