

R E S O L U T I O N

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

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

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

2. **Development Data Summary:**

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

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

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

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

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

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

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all mixed-use zones.
- (1) The proposed one-family attached, two-family attached and multifamily residential, commercial/retail, and institutional uses are permitted in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of the CSP approval. Therefore, this property would be limited up to a total of 670 single-family attached, two-family attached (2-over-2), and multifamily residential units, up to 120 assisted living units, and 90 senior housing units as proposed in this CSP.
- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:
- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
- (1) **Retail businesses;**  
(2) **Office, research, or industrial uses;**  
(3) **Dwellings, hotel, or motel.**

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

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

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

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

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

**(b) Bonus incentives.**

**(4) Residential use.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- d. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, summarized as follows:
- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. The proposed residential buildings are being oriented such that they front on the proposed Savannah Parkway, with parking behind the proposed buildings. The commercial building is oriented

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

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

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

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b). The CSP is not required to include detailed parking information. At the time of DSP review, adequate parking and loading will be required.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCPI-008-2018) was submitted with the CSP application.

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

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

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

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

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

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

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

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

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

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

**General Plan:** This application is located in the Established Communities policy area. The 2014 *Plan Prince George's 2035 Approved General Plan* describes Established Communities as most appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities and infrastructure to ensure that the needs of residents are met (page 20).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**Specimen Trees**

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

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

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

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

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

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

### **Soils**

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

### **Stormwater Management**

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-008-2018, and further APPROVED Conceptual Site Plan CSP-17003 for the above-described land, subject to the following conditions:

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

- (2) Add “(MD 381)” after Brandywine Road in TCP Note 8, and correct “(Rte. 5)” to state “(MD 5)” in General Note 9.
  - (3) Provide the Stream Buffer layer on the plan.
  - (4) Correct the match line reference at the top of sheet 5 to refer to sheet 4.
  - (5) Correct the unmitigated noise line nomenclature to “dBA.”
  - (6) Identify the steep slopes on the plan with shading.
  - (7) Provide a tabulation chart for the WPA areas represented on the plan, summing the areas to the total, to match the proposed Woodland Preservation on the worksheet. As shown, a summation of the areas presented total 18.47 acres, which is 2.79 acres less than represented on the worksheet.
  - (8) Provide a separate tabulation chart for the WP NC areas. Note that the WP NC cannot count toward Woodland Preservation on the worksheet.
  - (9) Remove the multiple “Clear A: 53.59 ac” references on the plan. Clearing should be represented by the individual areas to be cleared, with a tabulation chart summing the areas to the total.
  - (10) Provide an Owners Awareness Certification on the plan.
  - (11) Have the revised plan signed and dated by the qualified professional preparing the plan.
2. At time of preliminary plan of subdivision (PPS), the applicant shall:
- a. Submit a variance application and statement of justification for the removal of specimen trees.
  - b. Submit a statement of justification for the necessary primary management area impacts. The statement of justification shall address all proposed impacts to regulated environmental features.
  - c. Submit a noise study to demonstrate that no outdoor activity areas are within the mitigated noise contour line of 65 dBA Ldn or above and the mitigated residential interior noise level is below 45 dBA Ldn.

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

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 11, 2018, in Upper Marlboro, Maryland.

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

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:gh