

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 30, 2020, regarding Specific Design Plan SDP-1802 for Brandywine Village Commercial, the Planning Board finds:

1. **Request:** The application is for approval of a 2,200-square-foot eating and drinking establishment with drive-through, a 16,000-square-foot commercial retail building with drive-through, and associated infrastructure in the Local Activity Center (L-A-C) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	L-A-C	L-A-C
Use	Vacant	Commercial
Acreage	12.79	12.79
Parcels/Lots	2	4
Gross Floor Area (square feet)	0	18,200

OTHER DEVELOPMENT DATA:

PARKING*

	Required	Provided
2,200-square-foot eating and drinking establishment with drive-through @ 1 space/3 seats + 1 space/50 sq. ft. for area not used for storage or patron seating	34	34
Compact Spaces	0	6**
Handicap-Accessible Spaces	2	2
16,000-square-foot commercial retail building with drive-through @ 1 space/150 sq. ft. for first 3,000 sq. ft., then 1/200 sq. ft. above 3,000	85	87
Compact Spaces	0	21**
Handicap-Accessible Spaces	3	4

Note: *The parking schedule on the SDP contains multiple errors relative to the parking calculations. The schedule needs to be corrected, as shown above and conditioned herein.

**Per Section 27-559(a) of the Zoning Ordinance, up to one-third of the required number of parking spaces may be for compact cars. Any parking spaces provided in any lot, in excess of the number required, may also be compact car spaces.

3. **Location:** The subject property is located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive. The property is also in Planning Area 85A and Council District 9.
4. **Surrounding Uses:** The site is bounded to the north by vacant land in the L-A-C Zone that is also part of the Brandywine Village development. To the west, the site is bounded by the residential section of the Brandywine Village development in the L-A-C Zone. The right-of-way of US 301 bounds the site to the east, with the Brandywine Shopping Center in the Commercial Shopping Center Zone beyond, and the right-of-way of Chadds Ford Drive bounds the site to the south, with vacant land in the L-A-C Zone beyond.
5. **Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the Prince George's County District Council adopted County Council Resolution CR-108-1977 for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the Residential Medium Development (R-M) Zone (Zoning Map Amendment Basic Plan A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres of M-A-C. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*. Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned L-A-C, and 149 acres were zoned R-M (via CR-60-1993). The property covered by the subject application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones based upon proposed road networks that were later revised. A comprehensive design plan (CDP) was approved in January 1993 for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property.

On February 20, 1997, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-96083 to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone and the remaining acreage, including the property included in this application, was intended for future development.

On January 12, 2009, the District Council approved A-9996-C and A-9997-C to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of

these two zoning map amendments in 2009 covering the two parts of the subject site, the previously approved zoning map amendments and CDPs became invalid.

On May 30, 2013, CDP-1201 was approved by the Planning Board (PGCPB Resolution No. 13-58) for the entire 44.33-acre Brandywine Village L-A-C-zoned property. The CDP approved development of 191 single-family attached dwellings (townhouses) in the western portion of the site and approved up to 218,500 square feet of commercial and retail uses in the eastern half of the property. On November 14, 2019, the Planning Board approved an amendment, CDP-1201-01, to allow for an increase of 2,000 square feet of commercial gross floor area be permitted, up from the previously approved 218,500 square feet to 220,500 square feet, and to add a location for an additional commercial building. CDP-1201-01 was heard by the District Council on March 9, 2020 and a final decision affirming the Planning Board's decision was issued on July 27, 2020.

On May 30, 2013, the Planning Board approved PPS 4-12007 (PGCPB Resolution No. 13-59) concurrently with CDP-1201. The PPS approved 191 lots and 24 parcels to support the residential and commercial development of the site. The PPS also approved variations from Section 24-128(b)(7)(A) and Section 24-121(a)(3) of the Prince George's County Subdivision Regulations.

On March 6, 2014, the Planning Board approved Specific Design Plan SDP-1303 (PGCPB Resolution No. 14-14) for development of 188 single-family attached (townhouse) units, General Lafayette Boulevard, and associated infrastructure in the western 20.27-acre portion of the Brandywine Village site. Minor amendments were approved in SDP-1303-01 by the Planning Director on March 2, 2016.

On February 16, 2017, the Planning Board approved SDP-1604 (PGCPB Resolution No. 17-25) for grading and installation of one stormwater management (SWM) pond for the commercial portion of Brandywine Village.

The site also has a valid SWM Concept Plan 63545-2016-01, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 25, 2018.

6. **Design Features:** The subject site, of approximately 12.79 acres, is the southeastern part of the larger Brandywine Village development. This area fronts on US 301 to the east and includes a wooded stream valley that separates the proposed commercial development from existing residential development to the west. This site includes approximately half of the land area designated for commercial development by CDP-1201. The proposal includes infrastructure on proposed Parcel 1, the development of proposed Parcels 2 and 3, associated parking areas, a portion of the site's access roadway, and a connector trail to the residential portion of Brandywine Village to the west. The subject portion of the Brandywine Village commercial development is shown as Phase 2A on the SDP. Outparcel 8 of Brandywine Village, to the north, is not part of this SDP, but will be part of a future SDP for commercial development.

Access into the commercial section of Brandywine Village is provided via a 26-foot-wide private roadway. The access road has a north/south alignment and connects to southbound US 301 via a right-in, right-out driveway in front of Parcel 3, and connects with Chadds Ford Drive at the southern end. The approach to the intersection with Chadds Ford Drive is widened to accommodate a single-entry lane and two exit lanes. Streetlights and trees are provided along the length of the access road. A single pylon sign for “The Shoppes at Brandywine Village” and a single monument sign are proposed adjacent to the access road’s connections to US 301 and Chadds Ford Drive, respectively. The layout and roadway design are consistent with the CDP and PPS, with a single exception pertaining to sidewalks along the access road. The SDP provides a 5-foot-wide sidewalk along only the east side of the access road, whereas the approved CDP and PPS require sidewalks on both sides of all internal roadways. The applicant provided an exhibit on April 22, 2020, showing 5-foot-wide sidewalks on both sides of the access road, as required. Therefore, prior to certification, the SDP shall be updated to reflect the provision of sidewalks on both sides of the access road consistent with the CDP and PPS.

Proposed Parcel 2 is in the southeastern area of the site, in between the access road and US 301. Proposed Parcel 1 abuts Parcel 2 to the south and is only proposed for infrastructure improvement, including a drive aisle, with this SDP. A portion of the site’s SWM system abuts Parcel 2 to the north. Parcel 2 is 0.6 acre in area and is to be developed with a 2,200-square-foot eating and drinking establishment with drive-through service, specifically a Taco Bell. The building, which sits parallel to US 301, is to be constructed on a concrete slab, with a maximum height of 24 feet at a decorative tower on its southwest corner. Two driveways provide access to the parking lot, which wraps the north and east sides of the building, and a dumpster enclosure on the north side. The drive through is accessed by a single service lane that wraps around the northern and western sides of the restaurant. Façades are proposed to be clad with exterior insulation and finishing system (EIFS) in white and gray colors. The tower is accented with wood-tone vertical panels. A wood-tone, horizontal-slatted wall accents the upper portion of the southern façade and continues around to the southeast corner of the building. Windows, approximately 7 feet in height, are included on the southern portion of the building for the dining area, providing appropriate fenestration. One loading space is located south of the building, and 34 parking spaces are provided, in conformance with parking and loading requirements. Identity and wayfinding signage, as well as site lighting, are proposed and acceptable.

Proposed Parcel 3 consists of 2 acres located in the northern portion of this SDP, and in the central portion of the larger commercial portion of Brandywine Village. This site is located north of an existing SWM pond and south of Outlot 8. A wooded stream valley, proposed Parcel A, runs along the entire west side of the SDP. A trail through the stream valley is proposed to connect the southwest corner of Parcel 3 to an existing trail in the residential neighborhood to the west. The access road and associated easement area spans the eastern side of Parcel 3 in a north/south alignment, with US 301 beyond. Two driveways, at the southeast and northeast corners of the parcel, provide access to the site. A 16,000-square-foot commercial retail building is in the western portion of the parcel, with parking provided on its east side. A single drive-through lane is proposed on the northern façade of the building. A travel lane, a loading space, additional parking, and service areas are provided to the west of the building. A total of 87 parking spaces are provided, which exceeds the minimum requirement of 85 spaces.

The commercial building is rectangular in shape and includes potentially seven units for businesses, with the northern-most space including the drive through. The eastern façade of the building, facing US 301, is finished with brick veneer in shades of tan, dark brown, and white and includes ample window space topped with metal canopies. Brick veneer is also provided on the northeast and southeast corners of the building, with the remainder surfaced with EIFS in a tan color. A consistent design theme is provided for building-mounted tenant signage. Site lighting and a dumpster enclosure are provided and found to be acceptable.

In response to citizen concerns, and to provide additional screening between the residential housing and commercial development, the applicant proffered to provide sight-tight fencing along the western edge of the development area, with the exception of the western edge of the stormwater pond, where a chain link fence will be provided. At the trailhead location on Parcel 3, additional lighting and a gate is to be provided in the fence so access can continue to flow; however, the gate may serve as a deterrent for non-residents to traverse into the community. The applicant will also maintain the fencing, trail and boardwalk in perpetuity.

7. **Zoning Map Amendment (Basic Plan) A-9997-C:** The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with seven conditions and two considerations. The conditions that are relevant to the review of this SDP are discussed, as follows:

1. **Land Use Types and Quantities:**

189,000 square feet of office space
14,657 square feet of retail commercial
Open Space
Homeowner Recreation Facilities
Trails

GROSS TRACT:	24.05 acres
FLOODPLAIN:	10.91 acre
NET TRACT AREA:	13.14 acres
Base intensity of zone 24.05 acres at 0.16 FAR:	167,619 square feet
Maximum intensity 24.05 acres at 0.31 FAR:	324,761 square feet

This SDP for Phase 2A of the Brandywine Village includes a total of 18,200 square feet of commercial retail space, a site access road, and associated infrastructure on 12.79 acres. This phase of the development has a floor area ratio of 0.03. CDP-1201-01 provided for a maximum commercial gross floor area of 220,500 square feet. Development provided in this SDP is within these established land use types and quantities.

2. **All commercial structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.**

As conditioned herein, the SDP should be revised to note that all commercial structures will be equipped with fire suppression systems.

7. **Vehicular access from the eastern portion of the site to the property to the north is supported and shall be demonstrated at the time of specific design plan.**

The approved PPS and CDP show a vehicular connection to the property to the north. This connection will need to be shown in a future SDP proposing development of Outlot 8.

8. **Prince George's County Zoning Ordinance:** As one of the comprehensive design zones, the L-A-C Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval. The development standards and density bonus have been established and awarded at the time of CDP-1201 approval (see Finding 9 below). The SDP's conformance with the requirements of the L-A-C Zone is discussed, as follows:

- a. The subject application is in conformance with the requirements of Section 27-494, Purposes; Section 27-495, Uses; and Section 27-496, Regulations, of the Zoning Ordinance, governing development in the L-A-C Zone. The proposed restaurant with drive-through service, commercial and retail are permitted uses, and the proposed development conforms with the purposes and regulations of the zone.

- b. Section 27-528(a) of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-1201 and its amendment, as discussed in Finding 9 and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements, as detailed in Finding 12. This SDP proposes only commercial development.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The SDP does not contain property designated as a regional urban community.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24 124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The subject property of Brandywine Village is governed by an approved and valid PPS 4-12007, that meets the adequacy test for the required transportation facilities serving this development. In addition, the Planning Board finds that police, fire and rescue, and water and sewer facilities are adequate for the proposed project.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The application included an approved SWM concept plan, and the subject SDP is in conformance with it. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The Planning Board finds that the proposed development is in conformance with the Type 2 tree conservation plan (TCP2), subject to several technical corrections.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The Planning Board finds that the SDP demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible, as the impacts shown are consistent with the approved CDP and PPS.

9. **Comprehensive Design Plan CDP-1201, as amended:** The Planning Board approved CDP-1201 on May 30, 2013, and an amendment CDP-1201-01 on November 14, 2019. The conditions from CDP-1201 that are relevant to the review of this SDP are discussed, as follows:

1. **Prior to certificate approval of the comprehensive design plan (CDP), the applicant shall:**

- I. **Remove the access point off US 301/MD 5 to the commercial section, if a waiver from the requirements of Section 24-121(a)(3) is not granted.**

The Planning Board approval of PPS 4-12007 included approval of a variation from the requirements of Section 24-121(a)(3) of the Subdivision Regulations, to allow a single, temporary, limited movement access to US 301, provided that the Maryland State Highway Administration (SHA) approves an access permit. Unless such permit requires the access to be closed earlier, the access shall be closed no later than the timeframe for closure of the Chadds Ford Drive/MD 301 intersection, as set forth in Condition 6 of A-9997-C.

This right-in, right-out access point from southbound US 301 is proposed as part of this SDP and SHA has confirmed its approval of this access point.

2. **The development of the property covered by this CDP is subject to the following standards:**

COMMERCIAL USES	
Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings	100 feet
Minimum rear setback	10 feet
Minimum corner setback to side street R.O.W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

Other Commercial Section Requirements including standards for architecture design, and roadway govern the development of the commercial section.

OVERALL DEVELOPMENT

Applicable to both Residential and Commercial Sections are standards for pedestrian circulation, signage, lighting fixtures and green building techniques govern the development of the entire project.

This SDP is for commercial development included in Phase 2A of Brandywine Village. The development is proposed, in conformance with the standards established for commercial uses and overall development.

4. At the time of specific design plan, the applicant shall:

b. Provide a photometric study for the commercial site.

A photometric plan was provided with this SDP and displays adequate lighting is provided for development of Parcel 2, Parcel 3, and the access road.

d. Ensure that all HVAC units meet Energy Star[®] performance levels.

A condition has been included herein to address this requirement.

e. Provide sidewalks or designated walkways where there are large expanses of surface parking within the commercial area.

Sidewalks, walkways, and crosswalks are provided for the parking areas on Parcels 2 and 3, with the exception of additional areas, as conditioned herein.

g. Provide a minimum of four green building techniques in design and development of each building in the commercial section.

The applicant provided examples of green building techniques and noted an intention to apply such in the development of each commercial building. However, a commitment was not made to providing a minimum of four green building techniques for each building. Therefore, a condition has been included herein to address this requirement.

i. Submit details of all lighting fixtures 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 specific design plans:

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

Lighting details have been provided and a condition has been included herein for the referenced note to be added to the SDP plans.

7. **Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7) of the Zoning Ordinance.**

This SDP includes development of a restaurant with drive-through service and a commercial retail building. Trip generation calculations show the combined development generating 22 AM and 44 PM peak-hour trips. Combined with the trip generation figures associated with the townhouse units in the Brandywine Village development (as approved by SDP-1303), the total proposed development is under the established trip cap, as shown below:

		AM Peak	PM Peak
Previously built	191 Townhouse units	134	153
Current SDP-1802	18,500 combined retail – net new trips	22	44
Total trips to-date		156	197
Trip Cap		659	892

In approving CDP-1201-01, the District Council included a single condition relevant to this SDP, as follows:

1. **Prior to certificate approval of this comprehensive design plan, the applicant shall:**

- a. **Provide a plan note, as follows:**

“All drive-through facilities serving commercial buildings shall be located to the rear of the buildings or located to the side of the buildings if the drive-through facility is part of a strip center and is located at least 150 feet away from the US 301 frontage.”

Drive-through facilities have been located to the side and rear of the two proposed buildings, in accordance with this condition.

10. **Preliminary Plan of Subdivision 4-12007:** The Planning Board approved PPS 4-12007 on May 20, 2013. Conditions that are relevant to the review of this SDP are discussed, as follows:

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

- h. Add a note that, subject to SHA approval a single point of access may be permitted on US 301 pursuant to approval of variation request from Section 24-121(a)(3). The exact location and design of the access point shall be determined at the time of SDP for the commercial section but shall be located within the area of proposed Parcel 3. Access shall be subject to approval of an access permit by the State Highway Administration and any memorandum of understanding with SHA that defines the terms and conditions of this temporary access point.**

This SDP provides the single access point from US 301, pursuant to the approval of the requisite variation with the PPS. The access point is located adjacent to Parcel 3, with SHA providing preliminary approval. The Planning Board is unaware if a memorandum of understanding with SHA defining the terms and conditions of the access point has been established. A condition has been included herein regarding the memorandum of understanding for this access point.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 15822-2008-01 and any subsequent revisions.

A valid SWM concept approval letter and associated plan, 63545-2016-01, approved May 25, 2018 and valid through May 25, 2021, was submitted with the current application.

12. All specific design plans (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 the 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 lighting fixture details show the use of cutoff and non-cutoff lighting in the Phase 2A development. Cutoff fixtures are shown in design details provided for Parcels 2 and 3, but non-cutoff fixtures are shown for street lighting of the access road. A condition has been included to require the note above be added to the SDP plan sheets prior to certification.

19. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 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.

The SDP is in conformance with this requirement, as discussed in Finding 9 above.

- 22. Prior to approval of the specific design plan for Parcels 1–6, the typical section of the commercial roadway shall be re-reviewed to consider a center left-turn lane at key driveway locations along its length. The typical section should be modified to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot-wide pavement section of the internal access easement (Section 24-128(b)(9)).**

The SDP provides two approach lanes to Chadds Ford Drive, but did not adequately consider a center left-turn lane at key driveway locations along the length of the commercial roadway. A two-lane approach is provided to Chadds Ford Drive; however, the Planning Board finds that the SDP did not adequately consider or analyze the viability of a center left-turn lane at key driveway locations.

In an exhibit provided on April 22, 2020 the applicant demonstrated that the provision of a southbound left turn lane is feasible at Parcel 1, but not feasible or warranted for Parcels 2 and 3. The Planning Board finds that the site plan shall be revised prior to certification to show the southbound left-turn lane into Parcel 1.

- 24. The applicant and the applicant's heirs, successors, and/or assigns shall provide the following:**

- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

As discussed in Finding 6, standard sidewalks have been provided only on the east side of the access road, the only internal roadway in the commercial Phase 2A development area. The applicant subsequently provided an exhibit on April 22, 2020, demonstrating standard sidewalks can be provided on both sides of the site access road. A condition has been included herein requiring revisions to the site plan to provide sidewalks on both sides of the access road.

- 25. Prior to approval of the specific design plan, the following additional specific site issues shall be evaluated:**

- a. The connector trail from Parcel A, HOA parcel, to the commercial pods shall be evaluated for the design, layout, use easement for trail, and trigger for the construction and bonding of the trail.**

- b. The need for additional crosswalk or walkway striping through the commercial area parking lots shall be evaluated and determined. However, it appears that adequate sidewalk access is provided from the trail connection to the proposed L-A-C building frontages.**
- c. Prior to approval of the final plat and in accordance with the specific design plan, the necessary trail access easement shall be recorded among the land records of Prince George's County and the liber and folio noted.**

The design and layout of the connector trail is provided in the subject SDP, creating a pedestrian link between the existing residential development and the southwest corner of Parcel 3. Conditions have been included herein to show an access easement and requiring the construction of the trail, prior to final occupancy of the commercial building on Parcel 3. This easement will be required to be recorded and shown on the final plat, as conditioned above. Additional crosswalk locations serving the commercial parking areas and the access road were evaluated and are conditioned herein.

- 30. All site plans, plats, and permit plans shall label the point of access to US 301/MD 5 as temporary, if approved by SHA.**

The SDP plan provided does not include this label. A condition has been included herein to require the addition of this label to the plans.

- 11. Specific Design Plan SDP-1604:** In 2017, the Planning Board approved SDP-1604 for grading and stormwater facility construction on the subject property, and included conditions that are relevant to the review the subject SDP, as follows:

- 2. Prior to approval of the next specific design plan for the subject property, a Woodland and Wildlife Habitat Conservation easement shall be recorded in Prince George's County Land Records.**

A condition has been included herein to require the submission of evidence of recording of a Woodland and Wildlife Habitat Conservation easement, prior to certification of this SDP.

- 5. Prior to approval of permits for buildings or structures on Outlots 6,7, and 8, specific design plans shall be approved, and new final plats required to remove the outlot designations.**

The subject SDP shows Outlots 6 and 7 as replaced with parcels. Outlot 8 remains in the northern portion of the commercial area. A future SDP must be filed to remove the outlot designation and propose development, in accordance with prior approvals.

- 12. 2010 Prince George's County Landscape Manual:** The subject SDP proposes the development of two commercial retail buildings and is subject to Section 4.2, Requirements for Landscape

Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The submitted plans provide schedules and demonstrate conformance with the applicable requirements. Regarding Section 4.2, to provide sidewalks on both sides of the site access road, the landscape strip along US 301 will overlap the public utility easement by five feet, as illustrated in the applicant's exhibit submitted April 22, 2020. The Planning Board finds this acceptable provided tree plantings are located outside of the public utility easement, while shrub plantings may be within the easement. Prior to certification, the landscape plan shall be revised to adjust the sidewalks and landscape strips as provided in the April 22, 2020 exhibit.

Regarding Section 4.4, the loading space for Parcel 2 is provided south of the building. Given the site's location and layout, screening this loading space from view of US 301 is not possible. However, tree plantings are provided at the edge of the parking lot, between US 301 and the loading space, which will provide screening, in conformance with the requirements.

A Section 4.7 buffer is required between the proposed commercial development in this SDP and the abutting, existing residential development to the west. This requirement is satisfied through the preservation of woodlands associated with the stream valley located between the commercial and residential use. No planting is required, as the bufferyard is completely filled by existing vegetation and the closest commercial building is set back over 230 feet from this shared property line.

- 13. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the Woodland and Wildlife Habitat Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of existing woodland. A revised Type 2 Tree Conservation Plan (TCP2-002-2014-05) was accepted for review with the current application.

A Natural Resources Inventory, NRI-038-12-01, for the subject property was approved on July 29, 2019. The regulated environmental features, as shown on the revised NRI, have been correctly shown on the SDP and TCP2. An additional revision, NRI-038-12-02, was accepted during the current process for minor revisions to the 100-year floodplain area on the site. After approval of the revised NRI, any necessary revisions shall be made to the SDP and TCP2, prior to certification as conditioned herein.

The previously approved and proposed revised TCP2 both use a phased woodland conservation worksheet separating Phase 1 and Phase 2. The original approval was limited to Phase 1; the current application includes separate columns for Phase 2a and Phase 2b, although development is limited to Phase 2a.

The L-A-C Zone has a woodland conservation threshold of 15 percent, or 5.10 acres for the total 44.33-acre site, which is correctly reflected in the TCP2 worksheet. Phase 2a is 12.79 acres in size and contains 5.64 acres of floodplain, for a net tract area of 7.15 acres. The TCP2 for Phase

2a proposes to clear 6.93 acres of on-site net tract woodland and 0.41 acre of floodplain woodland, resulting in a total woodland conservation requirement of 12.65 acres.

The woodland conservation requirement for Phase 2a is proposed to be met with 0.10 acre of on-site preservation, which results in an off-site woodland conservation requirement of 2.85 acres with Phase 2a. Revisions to the phased woodland conservation worksheet area are required to correctly reflect the requirement for the current phase.

The TCP2 requires technical revisions to be in conformance with the requirements of the Environmental Technical Manual. Conditions have been included herein to address these issues.

14. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The amount of tree canopy coverage required in this SDP for the L-A-C Zone is 1.28 acres (55,714 square feet). A tree canopy coverage schedule has been provided with the landscape plan; however, it incorrectly shows the requirement and provided coverage based on the entire Brandywine Village commercial area of 24.06 acres. A condition has been included herein to revise the schedule to be reflective of this SDP only.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Community Planning**—Comments were not provided regarding Community Planning.
 - b. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated March 22, 2020 (Burton to Bossi), which provided an analysis of previous conditions of approval that has been incorporated into findings above, with relative conditions included herein addressing issues, as required.
 - c. **Subdivision**—The Planning Board finds this SDP to be in general conformance with PPS 4-12007.
 - d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated March 27, 2020 (Ryan to Bossi), which discussed previous conditions of approval. Some of the issues raised have been addressed by revisions to the plans, with the following issues to be addressed as conditions of approval: the use of continental or zebra-style crosswalks to improve pedestrian safety; the incorporation of shared-lane bicycle pavement markings on the access road; and the inclusion of bicycle racks at the entrance of each commercial building to support multimodal transportation.

- e. **Permits**—The Planning Board adopted, herein by reference, a memorandum dated March 9, 2020 (Linkins to Bossi), which identified four design details pertaining to parking and signage that were addressed through revisions to the SDP.
- f. **Environmental Planning**—The Planning Board adopted, herein by reference a memorandum dated March 30, 2020 (Finch to Bossi), in which a comprehensive history of the site’s environmental review was presented. Concerns with invasive species and the need for the applicant to provide an invasive species management plan were identified and a note should be provided on the TCP2 addressing this issue. Three specimen trees were identified within the primary management area on-site and are not proposed for removal at this time. However, due to their poor to fair condition, management techniques should be added to the plan to assist in preserving these trees. A valid SWM concept approval has been provided and indicates that water quality controls, payment of a fee-in-lieu for Phase 2, and a previously constructed SWM pond are in conformance with the layout and stipulations of the SDP and TCP2. Because the current SDP is limited to commercial development and no residential units are proposed, transportation-related noise impacts will not be evaluated with the current application.
- g. **Special Projects**—The Planning Board adopted, herein by reference, a memorandum dated March 3, 2020 (Thompson to Bossi), in which an analysis of the required adequacy findings was provided relative to police facilities, fire and rescue, schools, and water and sewer service.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted, herein by reference, a memorandum dated February 12, 2020, in which DPIE stated that Chadds Ford Drive is a County-maintained road, and therefore, right-of-way dedication and frontage improvement, in accordance with the County Road Ordinance, the Prince George’s County Department of Public Works and Transportation, and the Americans with Disabilities Act is required. Chadds Ford Drive will be reviewed further for lane adequacy. The proposed SDP-1802 is consistent with the intent of the approved SWM concept plan. DPIE noted that the applicant updated their approved Rough Grading Permit SDRG 3846-2017-1 and the approved erosion and sediment control plan. Tied to this, the applicant must provide DPIE with an updated proposed floodplain study and compensatory storage. A site distance analysis for the site entrance is needed to justify a full access entrance. In addition, the site entrance from Chadds Ford Drive is located less than 300 feet from the signalized intersection of US 301 and Chadds Ford Drive. An operational analysis for Chadds Ford Drive from its intersection with US 301 to General Lafayette Boulevard is required. DPIE has no objections to SDP-1802.
- i. **Prince George’s County Police Department**—The Planning Board adopted, herein by reference, a memorandum dated February 19, 2020, in which the Police Department indicated that some streetlights and street trees were proposed too close to one another. Revisions made to the SDP since the date of this memorandum adjusted the spacing between trees and light poles along the access road to eliminate this issue.

- j. **Prince George's County Health Department**—The Health Department did not provide any comments.
- k. **Prince George's Department of Parks and Recreation (DPR)**—DPR did not provide any comments.
- l. **Prince George's County Fire/EMS Department**—In an email dated March 23, 2020 (Reilly to Bossi) the Fire Department noted they had no comments on the subject SDP.
- m. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopted, herein by reference, a memorandum dated February 19, 2020, in which WSSC provided a standard response on issues such as pipe and easement requirements. Their comments are provided for informational purposes and will be enforced by WSSC at the time of permit issuance.

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 2 Tree Conservation Plan TCP2-002-2014-05, and further APPROVED Specific Design Plan SDP-1802 for the above described land, subject to the following conditions:

- 1. Prior to certificate approval of the specific design plan (SDP), the applicant shall:
 - a. Correct the parking schedule on the SDP cover sheet for the building square footage and correct parking calculation, required, and provided parking.
 - b. Add labels for top and bottom elevations to all retaining walls on the SDP and landscape plans.
 - c. Add the following note to the SDP: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
 - d. Add a note to the SDP plans indicating that all HVAC units must meet Energy Star® performance levels.
 - e. Add the following note to the SDP plans: "All commercial structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13."
 - f. Show a standard 5-foot-wide sidewalk along both sides of the access road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence. In order to accommodate the addition of the sidewalk, the applicant shall be permitted to overlap the Section 4.2 landscape buffer into

the public utility easement by a maximum of 5 feet along the entire property frontage, from Chadds Ford Drive up to the connection with the future development to the north.

- g. Provide a continental or zebra-style crosswalk in the following locations:
 - (1) On all legs of the intersection at the commercial access road and the entrance from US 301 (Robert Crain Highway), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - (2) Crossing the commercial access road at its intersection with Chadds Ford Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - (3) Crossing the commercial access road at its intersection with the southern access of the stormwater management pond trail, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
- h. Provide shared-lane (sharrow) bicycle pavement markings along the commercial access road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
- i. Provide inverted, U-shape, bicycle parking racks near the entrance of each commercial building.
- j. Provide a center, southbound, left-turn lane, at the southernmost entrance point of the access road into Parcel 1.
- k. Label the point of access to US 301 (Robert Crain Highway) as temporary and subject to approval of an access permit by the Maryland State Highway Administration (SHA), and any memorandum of understanding with SHA that defines the terms and conditions of this temporary access point.
- l. Revise the detail for the dumpster enclosure on Parcel 2 to specify the material and finish, which should be a solid masonry material and match the proposed building.
- m. Provide a note on the SDP listing a minimum of four green building techniques proposed to be used for each building.
- n. Revise the tree canopy coverage schedule to show the requirements for the area of this SDP and demonstrate conformance to the required tree canopy coverage.
- o. Provide an access easement over the connector trail within Parcel A.

- p. Revise the landscape plans to overlap the Section 4.2 landscape strip and the public utility easement by a maximum of 5 feet along the entire US 301 frontage to accommodate the addition of a sidewalk along the west side of the access road.
 - q. Revise the SDP per Applicant's Exhibit 3 to show, and provide details for, a sight-tight fence along the western edge of the development, and a chain link fence adjacent to the stormwater pond, subject to DPIE approval.
 - r. At the trailhead on Parcel 3, provide a light, a gate in the fence, which is to remain unlocked, and wayfinding signage, along with appropriate details for these features.
 - s. Add a note to indicate the applicant and/or any successors in interest shall maintain site fencing, trail and boardwalk in perpetuity.
2. Prior to certification of the specific design plan (SDP), the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
- a. Revise Natural Resources Inventory NRI-038-12-02 to correctly show the 100-year floodplain. Upon approval of the NRI, the TCP2 and SDP shall be revised to correctly show the 100-year floodplain and any affected calculations shall be updated.
 - b. Type-in all prior approvals in the TCP2 approval block on all plan sheets.
 - c. Revise the phased woodland conservation worksheet to show how the full requirement for Phase 2A is met with the current application.
 - d. Revise any tables and statistics to reconcile with the woodland conservation worksheet.
 - e. Use the label "Woodland Retained-Not Credited" on the plan and in the tables, consistent with the legend provided on the plans.
 - f. Revise General Note 1, as follows:

"A non-native invasive species management plan is required with the approval of a commercial phase SDP and TCP2 revision beyond the implementation of infrastructure to account for invasive species noted in Stand B. Please see the forest stand delineation approved as part of NRI-038-12."
 - g. Provide a non-native invasive species management plan on the TCP2, using the standard template, addressing the removal of invasive species to no more than 20 percent on-site.
 - h. Submit a recorded woodland and wildlife habitat conservation for Phase 2A development.
 - i. Provide woodland conservation summary tables on each plan sheet.

- j. Add management techniques to the plan to assist in preserving Specimen Trees 2 and 3.
 - k. Submit all sheets of TCP2-002-2014 for signature.
 - l. Any other technical revisions necessary to make the TCP2 plan consistent with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and Environmental Technical Manual.
 - m. Have the revised plan signed and dated by the qualified professional who prepared it.
- 3. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall provide the Environmental Planning Section with copies of all Federal and State wetland permits, evidence that approval of conditions have been complied with, and associated mitigation plans.
 - 4. Prior to issuance of a grading permit, a copy of the erosion and sediment control plan for Phase 2A, at the appropriate technical level, shall be submitted as part of the permit package to confirm consistency between plans.
 - 5. Prior to issuance of the final certificate of occupancy for the Parcel 3 commercial building, the connector trail through Parcel A shall be fully constructed and open to the public from Parcel 3 to Parcel A4, within the Chaddsford Landing subdivision.

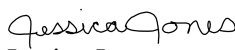
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 30, 2020, in Upper Marlboro, Maryland.

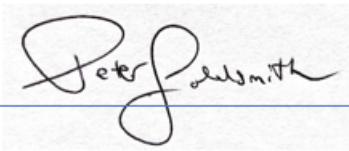
Adopted by the Prince George's County Planning Board this 10th day of September, 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: August 11, 2020