

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive 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 January 20, 2005, regarding Comprehensive Design Plan CDP-0102/02 for Brandywine Village Center the Planning Board finds:

1. **Request:** The subject application is for approval of a Local Activity Center at Chadds Ford Road and US 301, adjacent to the future Chaddsford residential development. The Comprehensive Design Plan proposes no more than 96,500 square feet of development.
2. Basic Plan A-9878 has established permitted land use types for the L-A-C Zone as service and retail commercial, residential, institutional, and all uses from the R-M Zone. The subject proposal is for commercial uses, primarily retail and service, with the possibility of office space, day care, and other uses. The Basic Plan approved a maximum of 115,000 square feet of development.
3. **Density Increment Analysis:** The public benefit features and density increment factors available for the L-A-C Zone include preserving green space and landscaping parking lots, common recreation space of at least 200 square feet per dwelling, a pedestrian system separated from vehicles, public facilities, distinctive streetscape design, preserving irreplaceable features, combining separate property into one ownership or solar access. Based on the public benefit features table below, the applicant is providing sufficient benefits to earn 20% in density increments, more than enough to justify the proposed 96,500 square feet of development.

<b>Public Benefit Features</b>	
Gross Development Area	9.94 Acres
One-half floodplain (0.44 acre)	0.22 Acre
Adjusted Gross Acreage	9.72 Acre
Base Commercial Development (0.2 FAR)	84,680 Square Feet
Proposed Commercial Development	96,500 Square Feet
Increase for Benefit Features	11,820 Square Feet
FAR Increase Needed	14%
<b>Proposed Benefits</b>	
<u>Pedestrian System (Maximum allowed: 5%)</u>	Amount of increment justified: 5%
If the alignment described is selected by the Department of Parks and Recreation as the preferred alignment, the applicant will construct an 8 ft. wide <u>hiker biker trail</u> (approximately 850 feet long) starting at the southern edge of the property and running north along the rear of the center generally following the existing AT&T R/W and proposed WSSC sewer R/W to Chadds Ford Road sidewalk which continues west another 450 feet to proposed General Lafayette Boulevard and a proposed community recreation facility (a total of approximately 1,300 feet of unbroken pedestrian path), as well as for other pedestrian amenities within the center.	
<u>Streetscape (Maximum allowed : 10%)</u>	Amount of increment justified: 10%
For distinctive and coordinated lighting and street furniture, especially at the plaza between the two 9,000 square foot commercial buildings near Rt. 301 and the connecting pedestrian link through the middle of the parking area, <u>including the use of 35% brick or other similar decorative pavements</u> for pedestrian areas within the shopping center.	
<u>Green Area (Maximum allowed: 20%)</u>	Amount of increment justified: 5%
For keeping over 12% of the gross commercial acreage in green area (24%) and for providing a <u>bermed and landscaped island</u> (with pedestrian walk) which divides the parking area.	
<b>Total FAR Increase</b>	20%

4. **Location:** The site is in Planning Area 85A, Council District 9. More specifically, the property is on the southwest corner of Chadds Ford Road and US 301.
5. **Surroundings and Use:** The proposed retail lot is surrounded by residential uses west of US 301 and proposed office uses north of Chadds Ford Road.
6. **Previous Approvals:**
  - A. Originally, the subject property was rezoned by Basic Plan application (A-8838) in November 1977 for the entire “Mattawoman” development at a total area of 277 acres. Within this 277-acre site, 212 acres were placed in the M-A-C Zone and 64.7 acres were placed in the R-M Zone. This plan is no longer applicable and has been superseded.

- B. On November 29, 1977, the District Council adopted CR-108-1977 for the entire 277-acre Brandywine Village, placing 213.2 acres in the M-A-C Zone and 64.7 acres in the R-U Zone (A-8898). In 1987, a Basic Plan Amendment was filed to rezone the M-A-C portion but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the property from the M-A-C to the E-I-A Zone. On September 14, 1993, the District Council adopted the sectional map amendment for Subregion V, rezoning this 212-acre site into 46 acres of E-I-A, 16.4 acres of L-A-C and 149 acres of R-M (District Council Resolution CR-60-1993).
  - C. A Comprehensive Design Plan was approved in January 1993 for 65 acres in the R-M Zone for 316 dwelling units. This section retains the name of Brandywine Village and is adjacent to the proposed Chaddsford development.
  - D. On February 20, 1997, the Planning Board approved Preliminary Plan 4-96083 to dedicate Chaddsford Road and General Lafayette Boulevard to public use and place the resultant land bays into four outlots. A Type I Tree Conservation Plan (TCP I/47/96) was approved for the entire area concurrently with this application.
  - E. A Comprehensive Design Plan CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB No. 01-186). This Comprehensive Design Plan included 11 lots on approximately 6 acres, approximately 4 acres of open space, approximately 4 acres for continuation of Brinton Way, and approximately 13 acres for a community lake. The remaining acres were intended for future development.
  - F. On October 18, 2001, the Planning Board approved Preliminary Plan 4-01045 (PGCPB No. 01-199) for 13 lots, one outlot and two parcels in the R-M-zoned portion of the area covered by CDP-0102.
  - G. On July 11, 2002, the Planning Board approved Specific Design Plan SDP-0108 for the community lake and open space (PGCPB No. 02-135) and Specific Design Plan SDP-0109 for 11 lots and the continuation of Brinton Way (PGCPB No. 02-136).
  - H. On January 22, 2004, the Planning Board approved Preliminary Plan 4-03080, Chaddsford Section 3, for 132 single-family lots for 29.86 acres and Comprehensive Design Plan CDP-0102/02
7. **Design Features:** The L-A-C Zone is a comprehensive design zone requiring conformance with master plan concepts for Community Centers that are compatible with proposed uses and serve public, quasi-public, and commercial needs for local convenience.

The shopping center on this site is proposed to include a large grocery store and other retail and service-commercial along the rear of the site with pad sites adjacent to US 301 and Chadds Ford Drive. A substantial pedestrian walkway will cross the parking field from the grocery store to a proposed plaza between the pad sites and adjacent to US 301.

## COMPLIANCE WITH EVALUATION CRITERIA

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the Zoning Ordinance. The property is in conformance with the requirements of the L-A-C Zone.
9. **Woodland Conservation Ordinance:** The proposal is in compliance with previously approved Type I Tree Conservation Plan TCPI/47/96-01, approved with CDP-0102. A revised Tree Conservation Plan, TCPI/47/96-02, was approved with the last Comprehensive Design Plan, CDP-0102/01, but not certified. The site has a tributary to Mattawoman Creek on the western border. Soils are silt loam and sandy loam.

Traffic-generated noise may impact portions of the property. US 301 is the eastern boundary of the subject property. The noise model used by the Environmental Planning Section predicts the 65 dBA noise contour to be 531 feet from the centerline of US 301. This noise corridor will impact the L-A-C and E-I-A portions of the site.

10. **Comprehensive Design Plan 0102/01 And CDZ Amendment 2:** Zoning application A-9878 was incorporated into the Subregion V sectional map amendment (CDZ Amendment 2) with the following relevant conditions for the L-A-C Zone of Brandywine Village:

2. **Conveyance of the stream valley of the tributary of Timothy Branch to the Maryland-National Capital Park and Planning Commission as shown on Exhibit "A" as submitted by the Park Planning and Development Division.**

Comment: The Park Planning and Development Division has approved the trail location and construction.

4. **The applicant shall construct an eight-foot-wide hiker/biker trail in the above referenced stream valley park from the northern to the southern end of the subject property. The applicant shall provide whatever structures necessary to ensure dry passage along the trail.**

Comment: Trail access and right-of-way have been described on this plan.

6. **Sensitive natural features shall be preserved as amenities that help to define the pattern of neighborhoods.**

Comment: The stream valley and steep slopes have been preserved.

12. **Trails (hiker/biker) shall provide linkage between all parts of the community, to surrounding employment areas, and the stream valley.**

Comment: A trail will link to the commercial areas of this development proposal.

- 14. Total development of this site shall be limited to 320,601 square feet of office, 115,000 square feet of retail, 1,019 dwelling units in the R-M Zone and 118 dwelling units in the L-A-C Zone or different uses generating no more than the peak hour trips (1,704 AM and 1,512 PM peak hour trips) generated by the above development.**

Comment: The Brandywine Village application is below these limits.

- 15. At the time of Preliminary Plat approval, the applicant and/or the applicant's heirs, successors, assigns, shall show dedication of the right-of-way for US 301/MD 5 on the eastern side of the applicant's property. At the time of the Final Plat approval, the applicant shall dedicate the above mentioned right-of-way. The dedication shall be in accordance with the recommendations of F-9 facility in the Subregion V Master Plan.**

Comment: The right-of way has been excluded from development and dedicated.

- 17. If the applicant and/or the applicant's heirs, successors, assigns obtains and constructs an entrance from US 301/MD 5 onto the subject property as shown on the Basic Plan, the applicant and/or the applicant's heir's, successors, or assigns shall install a traffic signal at the location at the time it is deemed necessary by SHA.**

Comment: A traffic signal and left- and right-turn lanes have been installed at Chadds Ford Drive.

- 21. The Comprehensive Design Plan shall establish an open space network throughout the development which will include both natural features and man-made public features.**

Comment: The Chaddsford development has a lake and proposed recreation center with many trails.

- 20.b. In the event an alternative school site is selected, the L-A-C or R-M Zone may be considered as alternative locations for the proposed library site. Such a site shall be designed to be a community focal point in conjunction with recreational, institutional or other public or quasi-public uses.**

Comment: According to the Historic Preservation and Public Facilities Planning Section, the Library Board has not expressed any need for additional library sites.

- 22. The CDP shall establish a complete pedestrian system to provide convenient and attractive linkages among individual neighborhoods and to encourage and facilitate pedestrian movements between neighborhoods and the proposed activity center as well as other public spaces. The system should also take the adjacent 65-acre, R-M zoned development into account to form a fully integrated development.**

Comment: A trail was proposed for the shopping center along the stream valley with sidewalks along Chadds Ford Road.

11. **Design Considerations of the Master Plan for Subregion V:** In order to make the design more consistent with the master plan design, a small plaza was added between the retail buildings along US 301 facing the conventional retail frontage of the grocery store. Additional design detail and plaza open space have been created along the grocery frontage and more tree islands added to the parking lot. The grocery and adjacent buildings will be brick, as will the retail/office buildings along US 301. The proposed uses for the shopping center have changed from retail to retail/office to allow more variety. The central open space walkway was widened and leads away from the small open space along US 301 to the center of the grocery. The single entry from Chadds Ford Drive was moved 500 feet from US 301.
12. **Referral Comments:** The proposal was referred to the concerned agencies and divisions. The referral comments are as follows:
  - a. The Community Planning Division found that this application is not inconsistent with the General Plan development pattern policies for a possible future Center in the Developing Tier.

The commercial land uses proposed by this application are essential components of the local activity center land use recommended by the master plan for this location, but the site design and other land use elements do not entirely conform to the local activity center development concepts. Revisions were made to the plan to bring it more into conformance with master plan design concepts.
  - b. The Transportation Planning Section, in a memorandum dated December 9, 2004 (Masog to Greene), reviewed the traffic study dated February 2004 and concluded that the proposed development will not be an unreasonable burden on transportation facilities if the application is approved with proposed conditions below.
  - c. The Trails Planner stated that one master plan trail is near the site. The Subregion V master plan recommends a stream valley trail will ultimately connect to the Timothy Branch Trail to the south and the planned trail along A-55 to the north. The trail will provide recreation and access to a future library, elementary school, and park and ride within the Brandywine Special Study Area. The Trails Planner also recommended standard sidewalks along both sides of all internal streets, with exact widths to be determined at the time of SDP.
    - (1) The applicant, his heirs, successors and/or assignees shall construct the master plan stream valley trail per DPR standards at the location agreed to by the applicant and DPR. The applicant shall provide necessary structures to provide dry passage along the trail. Timing for construction and bonding of the trail shall be in accordance with the recommendations of CDP-0102/01. Depending on the location of the master plan trail, a connector trail from the village center may also be appropriate.
    - (2) The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of the internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street

construction permits. Final determination of sidewalk width will be made at the time of specific design plan.

- d. The Environmental Planning Section, in a memorandum dated May 5, 2004 (Stasz to Srinivas), stated that the property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved Type I and Type II Tree Conservation Plans. The Type I TCP has not been certified.

Traffic-generated noise may impact portions of the property. The CDP should show the unmitigated 65 dBA noise contour.

- e. The Department of Environmental Resources found that the site plan for Brandywine Village Center (CDP-0102/02) is consistent with approved stormwater concept plan #8840-2004.
- f. The Fire Department reviewed this plan and found no problems.
- g. Historic Preservation and Public Facilities Planning Section, in a memorandum dated April 5, 2004 (Harrell to Srinivas), made the following comments:

#### **Fire and Rescue Facilities**

The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.25 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.25 minutes, which is within the 4.25-minute travel time guideline.

The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodward Road, has a service travel time of 8.29 minutes, which is beyond the 4.25-minute travel time

The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.25 minutes, which is within the 7.25-minute travel time guideline.

The Adopted and Approved FY 2002 General Plan contains a project for a Brandywine EMS facility. This proposed station is planned to open in 2007 and will serve this site within response time standards

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

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

### **Police Facilities**

The proposed development is within the service area for District V, Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 feet of station space. Based on available space there is capacity for 57 additional officers. The staff concludes that the existing county police facilities will be adequate to serve the residential use.

### **Library**

The Baden Branch, 13603 Baden-Westwood Road, is within the subject study area and provides it with adequate library service. The Baden branch is a 2,500-square-foot facility, which has a collection capacity of 7,000 volumes. In addition, within an acceptable five-mile radius of the proposed project is the Accokeek branch. The subject study area has good access to these facilities and is well served by them.

### **Schools**

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is located within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings outside the Beltway.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

- h. DPW&T had no comments beyond recommending that geometrics at the US 301/MD 5 and Chadds Ford Drive intersection should have been shown. However, this intersection was under construction as the traffic study was being prepared.
- i. The Maryland State Highway Administration states that the mapping from US 301 Southern Corridor Transportation Study, indicated that road improvements will impact this development. All permanent structures must be located outside of the proposed road right-of-way that is adjacent to US 301.



- j. The Historic Preservation and Public Facilities Planning Section, Countywide Planning Division, made the following comments:

Brandywine Village Local Activity Center (4-04112): This land is close to and may be part of the antebellum J.F. Townsend property. Recorded archeological site 18PR416 (a late 18<sup>th</sup>–early 19<sup>th</sup> century farmstead) is located within the project area. A Phase I archeological investigation is required for this site that follows the standards and guidelines in the Maryland Historical Trust's *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). The report should follow report and editorial standards in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the *American Antiquity* or *Society for Historical Archeology* style guide, and cite whether a submittal is a Draft Report or Final Report on the cover and inside cover page of the document, along with the relevant development case numbers.

13. **Comprehensive Design Plan Required Findings:**

Findings required by Section 27-521, and required findings for approval of a Comprehensive Design Plan:

- (a) **Prior to approving a Comprehensive Design Plan, the Planning Board shall find that:**

- (1) **The Plan is in conformance with the approved Basic Plan.**

The CDP is in conformance with the Basic Plan in regard to land use types, locations, and commercial intensity, and is in conformance with all applicable conditions.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations.**

The commercial buildings are proposed to be brick with traditional design for the buildings and enhanced streetscape, and consistency of architectural design for the entire project will be ensured to a degree that would be unlikely to occur under conventional regulations. The shopping center layout (main retail/office structure) will include open space and plazas significantly better in design than what could be expected under conventional regulations.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project.**

**Design Elements:** The buildings will be consistent in style and materials, using brick as a primary material. The design will create a break in the building frontage that allows outdoor seating, tables, planters, shade trees, fountains,

arcades, awnings, special paving, or other amenities that enhance the retail uses. Public open spaces will create focal points between buildings, and pedestrians will be separated from vehicles within landscaped walkways.

**Amenities:** Open space is available for seating and plazas next to retail/office buildings. A master plan trail and trail connections are proposed next to the shopping center.

**(4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings.**

The site will be surrounded by residential development within the Chaddsford Development that will use the retail/office. The residential also exists north and south of the Chaddsford Development with commercial development along US 301. The proposed uses are compatible with the surrounding existing and proposed development.

**(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

**(A) Amounts of building coverage and open space.**

The building coverage is within limits set by Basic Plan A-9878 and is intended to allow convenience retail/office. The commercial property is immediately adjacent to a stream valley corridor, which will provide an open space with trails.

**(B) Building setbacks from the street and abutting land uses.**

The proposed buildings are outside of the right-of-way for US 301 and are separated by streets or streams from adjoining land uses. The new shopping center will fill vacant land and not be adjacent to older existing buildings. The proposed buildings along US 301 and Chadds Ford Drive will create a pattern of building near the street that will block the view of parking.

**(C) Circulation access points.**

The main access point to the proposed shopping center has been moved back to 500 feet to allow turning onto US 301 and into the shopping center from Chadds Ford Drive.

**(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability.**

The development of the single-family housing within Chaddsford will support the retail/office uses within the proposed shopping center with additional support from traffic along US 301.

- (7) **The staging of development will not be an unreasonable burden on available public facilities.**

As indicated in Finding 12 above, the Historic Preservation and Public Facilities Planning Section has stated in their referral dated April 2004 that “The staging of development will not be an unreasonable burden on available public facilities.”

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting.**
- (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site.**
- (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site.**

This section does not apply.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d).**

This section does not apply.

- (10) **The Plan is in compliance with an approved Tree Conservation Plan.**

A Type I Tree Conservation Plan has been submitted with the CDP application. The Tree Conservation Plan is recommended for approval and the Comprehensive Design Plan is in conformance with the TCP.

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 the Type I Tree Conservation Plan (TCPI/47/96-03), and further APPROVED the Comprehensive Design Plan CDP-0102/02, Brandywine Village Center for the above described land, subject to the following conditions:

1. The Comprehensive Design Plan shall be revised as necessary to reflect the following design criteria, and all Specific Design Plans shall embody these criteria:

- a. The central parking lot walkway shall be 20 feet wide, have a central 6-foot sidewalk and have landscaped islands to include ornamental trees and shrubs placed at appropriate intervals.
  - b. The central parking lot shall include planting islands that break up the paving and provide shade with linear islands parallel to the central parking walkway at the east and west ends of the L-A-C zoned lot.
  - c. The shopping center layout (main retail/office structure) shall include a plaza that creates a break in the building facade that allows outdoor seating, tables, planters, shade trees, fountains, arcades, awnings, special paving, or other amenities that enhance the retail uses.
  - d. The proposed Brandywine Village shopping center shall have a consistent traditional design style for the buildings, materials, paving, landscaping, lighting, and street furniture. The design style shall be applied to all structures in the shopping center, including all pad sites, including any gas station, with minor adjustments allowed to individualize treatment of specific buildings.
  - e. The single entrance from Chadds Ford Drive will be placed (center line of access road) at least 500 feet from US 301.
  - f. The shopping center shall use brick or attractive masonry (no painted smooth-faced block) as a primary building material (at least 50 percent of the front and sides of the main shopping center building). Between 65 and 80 percent of the entire shopping center, including all pad sites shall be clad with brick or attractive masonry. Plazas and sidewalks of a compatible color and paving material (concrete pavers, brick or stone) shall be created.
  - g. The retail/office uses next to US 301 will have a central open space/plaza that is a small focal point directly in line with the parking lot walkway described in 1.a. The open space will be at least 150 feet x 200 feet, or 3,000 square feet.
  - h. The buildings will use design details on all sides (windows, doors, rooflines, construction material, same color masonry) to make a pleasing appearance from all sides with the exception of the main shopping center building facing the floodplain. This is especially important for the small retail/office buildings along US 301.
2. The applicant and/or the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US

301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the R-M portion of

the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

- a. For each single-family detached unit, a fee calculated as  $\$1,472 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$
- b. For each single-family attached unit, a fee calculated as  $\$1,338 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$
- c. For each multifamily unit, a fee calculated as  $\$999 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$
- d. For development on the L-A-C and E-I-A portions of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of a fee calculated as  $\$1.24 \text{ per gross square foot of space} \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$
- e. The total fee to be paid shall not exceed an amount calculated as  $\$1,719,946.04 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$

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

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

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

- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
  - c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
  - d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
  - e. Reconstruct the traffic signal at US 301/MD 381.
  - f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
  - g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
  - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
  - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
  - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
  - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
  - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
  - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
3. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA:
- a. Along US 301/MD 5 at Chadds Ford Drive, provide southbound acceleration and deceleration lanes as well as a northbound left-turn lane.
  - b. Along Chadds Ford Drive at the approach to US 301/MD 5, provide an exclusive right-turn lane and dual left-turn lanes.
  - c. Install a traffic signal at US 301/MD 5 and Chadds Ford Drive at the time it is deemed necessary by SHA.

4. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north, and to McKendree Road on the south, the applicant and/or the applicant's heirs, successors, and/or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. In the event that a traffic signal has been installed at this location following approval of this plan, and removal of the signal is required as directed by SHA following closure of the intersection, such modification or removal shall be at the sole expense of the applicant and/or the applicant's heirs, successors, or assignees.
5. The following changes shall be made to the Comprehensive Design Plan:
  - a. Modify the plan to recognize the dedicated right-of-way along US 301/ MD 5 and remove any development shown within it.
  - b. Modify the plan, which shows two access points from Chadds Ford Drive into the L-A-C parcel, to show only the westernmost one.
6. The applicant, his heirs, successors, and/or assignees shall construct the master plan stream valley trail per DPR standards at the location agreed to by the applicant and DPR. The applicant will provide necessary structures to provide dry passage along the trail. Timing for construction and bonding of the trail shall be in accordance with the recommendations of CDP-0102/01. A trail connector may also be appropriate to the village center.

The applicant, his heirs, successors, and/or assignees shall provide standard sidewalks along both sides of the internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits. Sidewalk width will be made at the time of specific design plan.

7. The following environmental recommendations shall be accomplished prior to certification of the Comprehensive Design Plan:
  - a. The following note will be placed on the Final Plat of Subdivision.

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/47/96-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Woodland Conservation Plan and will make the owner subject to mitigation under the Woodland/Tree Preservation Policy.
  - b. Prior to certification of the comprehensive design plan, all appropriate plans shall be revised to conform to the approved U.S. Army Corps of Engineers Jurisdictional Determination plan and a copy of the approved plan shall be submitted.
  - c. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

- d. As part of the submission of any preliminary plan of subdivision, a variation request shall be submitted if impacts to streams, stream buffers, wetlands, or wetland buffers are proposed. The variation request must have a separate justification statement, a map on 8.5- X 11-inch paper, and the qualities of impacts proposed for each individual impact shall be noted.
  - e. Prior to the certification of the comprehensive design plan (CDP), the CDP shall be revised to show the unmitigated 65 dBA noise contour associated with traffic-generated noise from US 301. The noise contour may be based upon the noise model used by the Environmental Planning Section or by a Phase I Noise Study submitted to and approved by the Environmental Planning Section.
  - f. Prior to certification of the comprehensive design plan, the Type I Tree Conservation Plan, TCPI/47/96-03, shall show the clearing for the purposed sanitary sewer designed to serve the eastern portion of the development.
- 8. In order to alleviate the negative impact on fire and rescue services due to inadequate service, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
  - 9. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north, and to McKendree Road on the south, the applicant and/or the applicant's heirs, successors, or assigns shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. In the event that a traffic signal has been installed at this location following approval of this plan, and removal of the signal is required as directed by SHA following closure of the intersection, such modification or removal shall be at the sole expense of the applicant and/or the applicant's heirs, successors, or assigns.
  - 10. Prior to submission of the Specific Design Plan, a Phase I archeological investigation shall be submitted for review and approval by staff of the Historic Preservation and Public Facilities Planning Section. The investigation shall follow the report and editorial standards and guidelines of the Maryland Historical Trust detailed in *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the *American Antiquity* or *Society for Historical Archeology* style guide, and cite whether a submittal is a Draft Report or a Final Report on the cover and inside cover page of the document, along with the relevant development case numbers.
  - 11. The Comprehensive Design Plan shall be revised to show boundaries and proposed acreage of the land to be conveyed to M-NCPPC as shown on Exhibit A. The exact acreage of the parkland shall be determined at the time of Preliminary Plan approval.
  - 12. Parkland to be dedicated to M-NCPPC shall be subject to standard conditions of Exhibit B, "Conditions for Conveyance of Parkland to The Maryland-National Capital Park and Planning Commission."



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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and Commissioner Eley absent at its regular meeting held on Thursday, January 20, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:SA:rmk