



PGCPB No. 10-82(C)

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File No. DSP-07076/01

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on July 29, 2010 regarding Detailed Site Plan DSP-07076/01 for Brandywine Crossing, Phase II, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application is for approval of a *~~[49,100]~~56,100-square-foot integrated shopping center, a 60,000-square-foot movie theater, and the inclusion of Lots 5 through 8 in the C-S-C (Commercial Shopping Center) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Mostly Vacant	Integrated Shopping Center and Theater
Acreage	34.1	34.1
Parcels/Lots	5 Parcels, 14 lots	5 Parcels, 14 lots
Building square footage/GFA	-	* [109,100] <u>116,100</u>
Of which Theater Building M	-	60,000
Building J	-	* [7,500] <u>6,500</u>
Building K	-	3,500
Building L	-	13,000
Building N	-	* [7,500] <u>7,000</u>
Building O	-	3,600
Building P	-	4,000
Building Q	-	* [10,000] <u>15,000</u>
* <u>Building R</u>	* <u>-</u>	* <u>3,500</u>

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

Parking Data:

Required

Integrated Shopping Center

*[~~49,100~~] 56,100 G.L.A @ 1 space per 250 S.F.

*[~~197~~] 225 spaces

Theater

3266 seats @ 1 space per 4 seats

817 spaces

Total Parking Spaces Required

*[~~1,014~~] 1,042 spaces

Provided

Standard Spaces

*[~~1,198~~] 1,005 spaces

Compact Spaces

*[~~64~~] 209 spaces

Van Accessible ADA Spaces

*[~~32~~] 29 spaces

Total Parking Spaces Provided

*[~~1,294~~] 1,243 spaces

Loading Spaces Required

4 spaces

Loading Spaces Provided

4 spaces

3. **Location:** The subject site is located in the northeast quadrant of the intersection of Timothy Branch Drive and Crain Highway (US 301), on the west side of Matapeake Business Drive, in Planning Area 85A and Council District 09.
4. **Surrounding Uses:** The property is part of what is known as the Brandywine 301 Industrial Park. The site is bounded on the east side by the right-of-way of Matapeake Business Drive and on the west by the right-of-way of Crain Highway (US 301) and Branch Avenue (MD 5). To the south and east of the site is the Brandywine 301 Industrial Park. Further to the east across Matapeake Business Drive is undeveloped I-1 zoned property. To the south is the C-S-C zoned property (A-9980-C), a previously approved integrated shopping center known as Brandywine Crossing, Phase I, developed by the same applicant. To the west across US 301 is the Chaddsford development zoned E-I-A, L-A-C and R-M. To the north are I-3 and I-1 zoned properties.

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5. **Previous Approvals:** The 1978 Brandywine-Mattawoman Sectional Map Amendment (SMA) rezoned the subject site from the R-R (Rural Residential) Zone to the E-I-A (Employment-Industrial-Area) Zone. The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* retained this property in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones. On November 5, 2007, the District Council approved Zoning Map Amendment A-9990-C to rezone the subject property from the I-1 and I-3 Zones to the C-S-C Zone. The subject site was a part of a larger subdivision known as Brandywine 301 Industrial Park (approximately 176.44 acres), which was approved (PGCPB Resolution No. 98-84) as Preliminary Plan of Subdivision 4-97124 in 1998. A preliminary plan of subdivision covering the subject DSP site was approved by the Planning Board on July 24, 2008 with 23 conditions (PGCPB Resolution No. 08-106). The subject site also has a Stormwater Management Permit No. 18385-2008-00.

The previously approved Detailed Site Plan DSP-07076 (PGCPB Resolution No. 08-122) was for approval of a 271,215-square-foot integrated shopping center in the C-S-C (Commercial Shopping Center) Zone. The subject DSP reduces the gross floor area of the previously approved development proposal for Phase II of Brandywine Crossing and relocates the proposed theater north of the "T" intersection of Matapeake Business Drive and Timothy Branch Drive.

The subject DSP additionally includes 3.6 acres of new property not previously reviewed under the original detailed site plan. On June 8, 2009, the District Council approved the rezoning of Lots 5 through 8 from the I-3 Zone to the C-S-C Zone (Zoning Map Amendment A-10014). The applicant proposes to include Lots 5 through 8 in the subject DSP revision with the purpose of accomplishing a future plat of consolidation (Owings to Hirsh, January 27, 2010). The District Council approved the rezoning of these additional lots with two conditions of approval. Review of the required conditions of approval for Lots 5 through 8 subject to Zoning Ordinance No. 10-2009 is provided in Finding 8 below.

6. **Design Features:** The subject site is envisioned to continue the development pattern as approved in the Brandywine Crossing shopping center to the south. The site is roughly rectangular in shape with the east, west and south sides fronting public rights-of-way. The site has one right-in temporary access from US 301/MD 5 that was approved by the Preliminary Plan of Subdivision, 4-07112, for this site. The site also has two access points off Matapeake Business Drive and three additional access points from Timothy Branch Drive.

The layout of the site is composed of two major sections: the theater and a retail street. The previous detailed site plan integrated the retail street concept and the theater. The theater was the terminus of the retail street, and a town square with a reflecting pool was proposed in front of the theater. A major change in this detailed site plan revision is the relocation of the theater to the eastern portion of the site abutting Matapeake Business Drive. A surface parking lot with approximately 800 parking spaces separates the proposed theater from the proposed retail street section.

The Planning Board finds that the design relationship of the theater and the retail street would be substantially improved if the restaurant (Building L) were relocated so its front faces the front of the theater. In order to accomplish this, the DSP is approved with a condition requiring that: a) Building L be relocated to the west side of the street with its front facing the theater; b) a pedestrian plaza be created in the former location of Building L; and c) the other buildings along the street be relocated to accommodate these changes. As a condition of approval, the Planning Board requires that a landscaped pedestrian connection be provided from the proposed theater entrance through the parking lot to a pedestrian plaza in order to facilitate pedestrian connectivity.

The proposed theater is 60,000 square feet and features 15 auditoriums, one of which will be a large format Imax-like screen. The submitted elevations depict a proposed building height of 50 feet. The building is constructed of four predominant façade materials: glass in aluminum framing, masonry inlay on precast concrete panels, ribbed architectural concrete panels, and prefinished metal panels. The proposed materials provide visual interest and breaks in the building's mass. The main entry, located on the building's west elevation, features a large glass wall 116 feet wide by 34 feet tall, a changeable marquee, and a steel support structure for additional theater signage.

The retail street district is located close to US 301. There are *~~seven~~ eight buildings that comprise the retail street. The design of the retail street emulates the pattern of traditional main streets with small retail buildings on both sides. It ends at Building Q which is a pad site for *~~10,000~~ 15,000 square feet of proposed development. Building L is the only building on the retail street with specific architecture proposed for approval in the subject DSP. It is a one-story building with brick veneer features and clear storefront glass with aluminum framing along the retail street. The rear and sides of the building feature smooth-faced block with brick accents every three courses. Building L also features a projecting metal canopy.

At the time of approval of Brandywine Crossing, Phase I, the applicant submitted complete design guidelines that will be applied to the entire Brandywine Crossing shopping center. The intent of the design guidelines is to develop a framework for an integrated retail development made up of different buildings of varying size and scale. The design of the shopping center draws heavily from the design principles found in the twentieth century retail architecture of the surrounding metropolitan area, such as the Art Deco style, which has been followed in regard to scale, massing, and materials. Exterior finishing materials include brick, precast masonry, stone, cementitious panels, colored split face concrete block, exterior insulation finishing system (EIFS), wood, and composite products. The applicant also submitted complete signage design guidelines for the entire shopping center at the time of the previous approval. The signage package includes freestanding, building-mounted, monumental entry, directional and banner signs. Since the subject site will be an integrated part of the Brandywine Crossing shopping center, the same design guidelines shall be part of this DSP.

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There are a number of design details from Brandywine Crossing, Phase I, that the Planning Board has recommended be included in Phase II. The street lamps used in Phase I shall be used in the development of Phase II. The walkways in the development of Phase I incorporate scored concrete. The Planning Board recommends that this walkway treatment be continued in Phase II of the development, along with herringbone patterned brick crosswalks. The proposed benches and signage shall also be consistent with Phase I of the development, as well as the spacing of the planters and landscape treatments.

A signage package consisting of building-mounted signs and on-site free-standing signs has been proposed with this DSP. For building-mounted signs, since most of the specific tenants have not been identified, the DSP only provides the total maximum allowable sign face areas in accordance with Section 27-613 of the Zoning Ordinance, which governs signs attached to a building or canopy. As long as the total sign face areas do not exceed the maximum allowed and the sign is designed in accordance with the approved signage design guidelines, the specific sign can be approved with each building permit. For additional discussion of the signage proposed in the subject DSP see Finding 9 below.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance No. 12-2007 (A-9990-C):** Zoning Ordinance No. 12-2007 was adopted by the District Council on November 5, 2007 to approve Zoning Map Amendment A-9990 that rezoned the subject site from the I-1 and I-3 Zones to the C-S-C Zone with three conditions. Condition 1 validates all prior conditions of approval for this site. Conditions 2 and 3 are applicable to the review of this DSP as follows:

2. **Detailed site plan approval shall be required, prior to the issuance of any building or grading permit, to ensure compatibility with the surrounding industrially zoned properties, conformance with the purposes of the C-S-C Zone, and compliance with all prior conditions of approval.**

The subject DSP has been filed in order to fulfill this condition of approval. The new architecture proposed in the shopping center will be a dramatic aesthetic improvement over the surrounding industrially-zoned properties.

3. **The portion of the site within Long's Subdivision shall be subject to the transportation conditions imposed by the Planning Board in its approval of Preliminary Plan 4-97124.**

The portion of the subject site fronting US 301 is a part of the Long's Subdivision, which was the subject of Preliminary Plan of Subdivision 4-97124. The Planning Board approved that preliminary plan of subdivision with 22 conditions, of which nine conditions are transportation related. See Finding 10 for a detailed discussion on the conditions of approval attached to

4-97124. The two transportation-related conditions that are applicable to this DSP are discussed as follows:

6. **The following notes shall be placed on the final plat:**
 - c. **Direct vehicular access to US 301 shall be prohibited from all lots**
13. **No lot which is a part of the subject property shall have direct access to US 301/MD 5. A note shall be placed on the final plat to this effect.**

On July 24, 2008, the Planning Board approved a new Preliminary Plan of Subdivision, 4-07112, for the subject site which includes a temporary right-in access from US 301 to the retail street of the proposed shopping center. The DSP layout is consistent with the approved preliminary plan of subdivision.

8. **Zoning Ordinance No. 10-2009 (A-10014-C):** Zoning Ordinance No.10-2009 was enacted by the District Council on June 8, 2009, to approve Zoning Map Amendment A-10014-C that rezoned Lots 5 through 8 from the I-3 Zone to the C-S-C Zone with two conditions. Both conditions are applicable to the review of this DSP as follows:

1. **Prior to issuance of permits for the site, the Applicant shall obtain approval of a detailed site plan to address views from US 301, connections to adjoining development, and compatibility with the architecture and development standards of the Brandywine Crossing development.**

The development proposal does not currently incorporate Lots 5 through 8. This condition should be addressed at the time of a future site plan revision when a use for those lots is proposed.

2. **The subject property shall not have direct driveway access to US 301/MD 5, unless the Planning Board expressly finds there to be good cause for such access at the time of subdivision review.**

The applicant has not proposed direct access from Lots 5 through 8 to US 301/ MD 5 in the subject DSP proposal.

9. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in general conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in commercial zones. The proposed integrated shopping center is permitted in the C-S-C Zone.

- b. The DSP shows a site layout that is consistent with Section 27-462 regulations regarding building setbacks. The DSP is also in conformance with the applicable site design guidelines.
- c. The signage within the DSP has been reviewed per Section 27-613, which governs signs attached to a building or canopy, and Section 27-614, Freestanding Signs. The building mounted signage and freestanding signage proposed exceed permitted amounts as discussed below:

- (1) The theater features a number of proposed signage areas on the building exterior. The DSP outlines areas for signage and does not propose any specific signage details for the theater. The sum of the areas proposed for signage including, but not limited to, the changeable marquee featuring movie schedules, individual letter signage on the steel support structure, and changeable poster cases is approximately 1,146 square feet. The maximum amount of building signage permitted in the C-S-C Zone is 400 square feet per Section 27-614.

A departure from sign design standards (DSDS) will be required to increase the square footage of building-mounted signage beyond what is permitted in the C-S-C Zone. The departure was not applied for at the time of this DSP review; therefore the DSP shall be revised to note no more than 400 square feet of signage for the theater prior to certification.

- (2) Among free-standing signs, one gateway style pylon sign with the words "Brandywine Crossing" is shown at approximately 44 feet in height. Per Section 27-614 (b) the maximum height of all freestanding signs in the C-S-C Zone is 25 feet. A departure from sign design standards (DSDS) will be required to increase the height of the freestanding sign. The departure was not applied for at the time of this DSP review; therefore the DSP shall be revised to show no signs taller than 25 feet prior to certification.

Adequate signage information was not submitted for Building L to provide review. The elevations locate potential locations for building mounted signage, but no specific square footage is associated with those areas. A specific sign can be approved with the building permit for Building L once a tenant is identified, if the signage does not exceed the maximum square-footage allowed and the sign is designed in accordance with the approved signage design guidelines.

- 10. **Preliminary Plan of Subdivision 4-07112:** On July 24, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07112 for Parcels 1-5 which includes a variation from Sections 24-130 and Section 24-121(a)(3) of the Subdivision Regulations. The preliminary plan that allows a temporary direct right-in access to the subject site from US 301. Of the 23 conditions attached to the resolution of approval (PGCPB Resolution No. 08-106), the following conditions are applicable to the review of this DSP and warrant discussion as follows:

2. A Type II Tree conservation plan shall be approved with the detailed site plan.

A Type II Tree Conservation Plan, TCPII/133/91-09, has been submitted with this DSP. According to a review (Finch to Fields, July 2, 2010) by the Environmental Planning Section, TCPII/133/91-09 is consistent with the approved natural resources inventory (NRI) and Type I tree conservation plan. The Environmental Planning Section recommends approval with conditions of TCPII/133/91-09 with the subject DSP.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, No. 433666-2007-00 and any subsequent revisions.

The applicant has a Stormwater Management Permit 18385-2008-00 that is based on previously approved Stormwater Management Concept Plan 433666-2007-07. This DSP complies with this condition.

4. Provide a standard sidewalk along the subject site's entire frontage of Matapeake Business Drive and Timothy Branch Drive, unless modified by DPW&T.

The DSP complies with this condition.

5. 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.

This condition will be carried forward as a condition of approval for this DSP.

8. Prior to the approval of the detailed site plan, if it is determined that potentially significant archeological resources exist in the project area, (based on the Phase I report) the applicant shall:

a. Provide a plan for:

- i) Evaluating the resource at the Phase II level, or**
- ii) Avoiding and preserving the resource in place.**

b. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations prior to the approval of the detailed site plan and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

- c. **Depending upon the significance of findings (at Phase I, II, or III level), the applicant shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist prior to the approval of the detailed site plan.**
- d. **Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or permits are required for a project.**

A Phase I archeological survey was completed on the subject site in May 2008. No archeological sites were identified. According to the review by the Historic Preservation Section (Stabler to Fields, June 22, 2010), due to the lack of archeological sites on the property, no further work is necessary. The archeology planner coordinator concludes that all archeological conditions have been satisfied. The Planning Board adopts these assessments as findings.

- 13. **One direct temporary right-in only vehicular access point to US 301/MD 5 shall be permitted subject to SHA approval and under the following condition:**

The access will be closed when one of the following occurs: the final construction of the spine road system to the north is complete, the US 301 upgrade is implemented or if accidents at the access are above the state average. In any case, the developer must close the access within six (6) months of notice from SHA.

The subject DSP shows a temporary right-in vehicular access point to the subject site off US 301/MD 5. A note on the site plan states the second part of this condition.

- 18. **Total development of the overall Brandywine 301 Industrial Park site (the areas covered by Preliminary Plan of Subdivision 4-97124) plus the areas encompassing Longs Subdivision, Lots 8 through 23 (as existing in 1997) shall be limited to uses that would generate no more than 794 AM and 1,836 PM peak-hour vehicle trips. Areas containing C-S-C zoning as of the date of the resolution approving this plan shall be limited to uses that would generate no more than 309 AM and 1,390 PM peak hour vehicle trips. Areas containing I-3 or I-1 zoning as of the date of the resolution approving this plan shall be limited to uses that would generate no more than 485 AM and 446 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.**

According to the review by the Transportation Planning Section (Masog to Fields, June 11, 2010), which the Planning Board adopts as a finding, the proposed uses are well within the above trip cap.

20. **The detailed site plan shall provide a vehicular access easement between Matapeake Business Drive and the area encompassing Lots 1 through 8 of Longs Subdivision. The exact location and width of this easement shall be determined during detailed site plan review and shown on the appropriate Record Plat.**

The applicant provided additional justification on how the above condition has been met as follows:

“Since the Preliminary Plan approval and approval of DSP-07076, Faison purchased lots 5-8 of the Long’s subdivision and rezoned them to the C-S-C zone. These 4 lots are included as part of DSP-07076/01, therefore becoming part of the integrated Brandywine Crossing shopping center that has shared access to Timothy Branch Drive, which leads to Matapeake Business Drive. With the incorporation of Longs lots 5-8 into Brandywine Crossing, Faison has removed the possibility of direct vehicular access onto 301 for approximately 20 lots (this includes the previously incorporated lots 9-23). Additionally, Lots 1-4 are served by an existing easement to Matapeake, which was also recorded in the 2002 Deed from the Meinharts to the current owners. Metrogolf LLC owns lots 1-4, as well as Parcel B, through which the easement runs to provide access to Matapeake. Any further development of Long’s lots 1-4, unless exempt by a provision of the Subdivision Regulations such as Section 24-107, will require a preliminary plan – at which time M-NCPPC would be able to also impose the requirement for access to Matapeake (in an effort to close off existing access to 301). In any event, any sale of Lots 1-4 would certainly be contingent on maintaining the existing easement.

“The intent of condition 20 of the preliminary plan, therefore, is satisfied by: (a) Longs Lots 9-23 being previously incorporated into the Brandywine Crossing integrated shopping center; (b) Lots 5-8 becoming part of the integrated shopping center through this DSP; (c) Longs Lots 1-4 becoming assembled with Parcel B, which has frontage on Matapeake; and (d) Lots 1-4 being served by a recorded easement for vehicular access to Matapeake that is equal or better than what Faison previously provided on Lot 6 through DSP-07076.”

Lots 5–8 have been incorporated into this DSP revision; therefore no additional access easement should be required for these lots. For the remaining lots of Long’s Subdivision the applicant has identified an existing access easement that can serve Lots 1 through 4. The existing easement is 50 feet wide and connects US 301 with Matapeake Business Drive. No additional access easement needs to be provided by the applicant to serve Long’s Subdivision Lots 1–4.

The Transportation Planning Section met with the applicant regarding the fulfillment of Condition 20 and concurs that Condition 20 has been satisfied with the subject proposal, and the Planning Board hereby adopts this conclusion as finding.

23. **Prior to approval of the detailed site plan for development adjacent to US 301, which is classified as a freeway, the applicant shall evaluate noise impacts to the site and identify methods of noise mitigation necessary to mitigate interior noise levels in office space to no more than 55 dBA (Ldn). If noise mitigation is required, prior to the approval of building permits for noise impacted structures, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 55dBA (Ldn) or less.**

There is no office space proposed in this DSP.

11. **Preliminary Plan of Subdivision 4-97124:** A portion of the subject site that is fronting US 301 belongs to a previously approved subdivision known as Long's Subdivision. The Planning Board approved Preliminary Plan of Subdivision 4-97124 for Long's Subdivision with 22 conditions in PGCPB Resolution No. 98-84. Most of the conditions are not applicable to this DSP because the previous approval was for an industrial park. No commercial shopping center of any kind was envisioned. However, the District Council's Order Zoning Ordinance No. 12-2007, that approved the rezoning for the subject site affirms all relevant conditions attached to Preliminary Plan of Subdivision 4-97124 as discussed in Finding 7 above. Specifically those conditions are as follows:

3. **Prior to Detailed Site Plan approval, the applicant shall revise the Type II Tree Conservation Plan for the property to address the requirements as established by TCPI/26/91.**

The Environmental Planning Section in a memorandum dated July 2, 2010 (Finch to Fields), which the Planning Board hereby adopts, indicated that the revised DSP and Type II tree conservation plan submitted are in conformance with the most recent revisions to the NRI and Type I tree conservation plan.

6. **The following notes shall be placed on the final plat:**
 - a. **An automatic fire suppression system shall be provided in all proposed buildings.**
 - b. **Any abandoned well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Water Quality and Septic Systems Program of the Prince George's County Health Department.**
 - c. **Direct vehicular access to US 301 shall be prohibited from all lots.**

These notes are shown on the final plat for Long's Subdivision. However, no information regarding the fire suppression system has been provided. A condition has been proposed in the recommendation section to require the installation of fire suppression for all proposed buildings.

The subject DSP shows a direct access from US 301 to one of the lots in the Long's Subdivision. As discussed previously, a new preliminary plan of subdivision has been approved for the subject site that allows this temporary right-in vehicular access. The DSP is consistent with the layout as shown on approved Preliminary Plan of Subdivision 4-07112.

- 13. No lot which is part of the subject property shall have direct access to US 301/MD 5. A note shall be placed on the final plat to this effect.**

As discussed above, the note has been put on the final plat for the Long's Subdivision. However, the most recently approved preliminary plan for the subject site allows a temporary right-in vehicular access from US 301/MD 5. The DSP is consistent with approved Preliminary Plan of Subdivision 4-07112.

- 21. A trail easement shall be established and shown on the Final Plat of Subdivision along Timothy Branch. The trail may be located within the 50-foot conservation buffer if determined appropriate at time of Detailed Site Plan review. The trail location shall provide dry passage outside of the wetlands and 100-year floodplain to the extent possible.**

The above trail easement does not impact the subject site. The trail along Timothy Branch was addressed in Detailed Site Plan DSP-06086, which covers the smaller part of the previously approved Brandywine Crossing Shopping Center.

- 12. *Prince George's County Landscape Manual:*** The proposed development for an integrated shopping center is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements, and Section 4.3, Parking Lot Requirements of the *Prince George's County Landscape Manual*.
- a. Section 4.2, Commercial and Industrial Landscaped Strip Requirements, specifies that in all commercial zones a landscaped strip shall be provided on the property adjacent to all public rights-of-way. The landscape plan has provided the corresponding landscape strips and landscape schedules.
 - b. Section 4.3(a), Landscape Strip Requirements, requires a ten-foot-wide landscaped strip between the parking lot and public right-of-way (ROW) to be planted with one shade tree and ten shrubs per 35 linear feet of parking lot perimeter adjacent to the right-of-way, among other landscape strip treatments. The landscape plan has provided the corresponding required landscape strips and the landscape schedules.
 - c. Section 4.3(c), Interior Planting, requires a certain percentage of the parking lot to be an interior planting area with one shade tree for each 300 square feet of the planting area. The landscape plan identifies 159,844 square feet of proposed parking in the subject DSP. Ten percent of the parking should be landscaped areas. The landscape plan has provided the required interior planting areas and the required schedules.

In addition to the requirements of the Landscape Manual the applicant is proposing the use of decorative brick piers within a hedge along the retail street to screen parking areas that are not adjacent to public rights-of-way. The brick piers are similar in detail to those used in Phase 1 of the Brandywine Crossing development.

13. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there are previously approved tree conservation plans for the site. The gross tract area of the Type II tree conservation plan TCP11 is now 182.35 acres, which encompasses all parcels of the original TCPI and additional lots from Long's Subdivision.

- a. There is a signed Natural Resources Inventory (NRI/158/06-02) approved on June 17, 2008, which incorporates Lots 5 through 8 of Long's Subdivision. No further information is required with regard to the NRI.
- b. Type II Tree Conservation Plan TCP11/133/91-09, submitted with this application, has been reviewed and was found to be consistent with the approved NRI and Type I tree conservation plan.

14. **Referral Agencies and Departments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning South Division**—The Planning Board adopts as a finding the Community Planning Division's evaluation that Detailed Site Plan DSP-07076-01 is not consistent with General Plan Development Pattern policies for compact, mixed-use, transit-supportive, and transit-oriented development. The 2002 General Plan, as amended by the 2009 Subregion 5 Master Plan, designates a Community Center in the Developing Tier in Brandywine that encompasses this application.

This application does not conform to the recommendations of the 2009 Approved Subregion 5 Master Plan and SMA for additional commercial land use that is more compact, transit-supportive and transit-oriented in the center edge area of the Community Center in Brandywine.

Application A-9990 for rezoning from the I-1 and I-3 Zones to the CSC Zone, Preliminary Plan of Subdivision 4-07112, and Detailed Site Plan DSP-07076 (subject to this proposed revision) were all approved for the property subject to this application during the preparation and approval process for the 2009 Subregion 5 Master Plan and SMA. Master plan recommendations acknowledge these prior development decisions by designating this area as a commercial component for the mix of land use recommended within this Community Center. However, the master plan also identifies an economic opportunity and recommends development of a unique high-amenity, pedestrian-oriented commercial

center that would facilitate a transition to more intense, transit-supportive and transit-oriented development in this area. This application does not conform to that recommendation.

This is the first commercial site plan to be reviewed in the Brandywine Community Center area since it was designated as a General Plan Center by the 2009 Master Plan. Design concepts and themes for the Brandywine Community Center area should be established with this application.

The Urban Design Section has met with the applicant as well as Community Planning to address concerns raised by the Community Planning South referral. While some of the referral recommendations are already imposed as conditions of approval, other design recommendations, which involve more substantial building rearrangement and/or redesign, create practical difficulties for the applicant.

- b. **Subdivision**—The Planning Board accepts the Subdivision Section's comprehensive review of all applicable conditions attached to the previous approval for this site. Specifically, the Subdivision Section provided a discussion on Preliminary Plan of Subdivision 4-07112. Additional comments read:
- (1) Lots 5–8 of the Long's Subdivision are being incorporated into the detailed site plan, and the trip cap associated with Preliminary Plan 4-07112 is to apply to these lots as well. Pursuant to a memorandum dated January 27, 2010 (Owings to Hirsch) Lots 5–8 will be consolidated with the Brandywine Crossing's plats being filed pursuant to Preliminary Plan 4-07112. The final plat should include a note explaining that Long's Subdivision Lots 5–8 were consolidated pursuant to the Subdivision Regulations Section 24-108(a)(3) and 24-111 and are subject to the trip and density caps approved for Brandywine Crossing, Phase II in 4-07112 and DSP-07076/01.
 - (2) The Special Exception (SE) area in the northeast quadrant of the intersection of Timothy Branch Drive and US 301 should include some base information including the ten-foot public utility easement (PUE) and the entrance feature easement location which is associated with the overall development. The entrance feature should be included in this DSP, if it was not approved with the SE if appropriate.
 - (3) The DSP does not appear to provide any reference to the Zoning Map Amendment which rezoned this property to C-S-C. Section 27-157(b)(3) of the Zoning Ordinance requires that all building plans list the conditions of the Zoning Map Amendment and demonstrate how the development conforms. Conditions of A-9990-C relate to the review of the DSP.

- (4) The DSP does not reflect all of the utility easement as reflected on the approved preliminary plan of subdivision and should.
- (5) The DSP should reflect parcels not lots, and clearly delineate the parcel lines with distances.

Recommended conditions from the Subdivision Section are included as conditions of approval.

- c. **Transportation Planning**—The proposed uses are well within the trip cap which was approved with Preliminary Plan of Subdivision, 4-07112, for the subject property. The access and on-site circulation within the site are acceptable. The Planning Board concludes that the subject property complies with the necessary findings for a detailed site plan as those findings may relate to transportation, and is compliant with the previously approved subdivision.

The subject DSP was reviewed for master plan trail compliance by the Transportation Planning Section. DSP-07076 was approved in 2008 for the subject property, and it contained one condition regarding sidewalks and trails. That condition was for the applicant to “Provide a standard sidewalk along the subject site’s entire frontage of Matapeake Business Drive and Timothy Branch Drive, unless modified by DPW&T”. Since then, sidewalks have been constructed along Timothy Branch Drive and the applicant is now proposing this sidewalk on the subject detailed site plan for Matapeake Business Drive. The sidewalk is five feet wide and it is adequate for the proposed use. The proposal also includes hardscape details, sidewalk construction details, and ramp details in accordance with DPW&T specifications and standards.

The plan shows an adequate pedestrian circulation system on site with sidewalks leading to the main buildings from the parking areas, and sidewalks that link pad sites together to encourage walking in what is a mostly suburban-style land use design (i.e. large surface parking areas and pad sites). The pedestrian system is well lit. Crosswalks have been provided and their locations and extents are adequate.

Bicycle facilities need to be shown on the detailed site plan in accordance with the area master plan. It is recommended that bicycle parking spaces be shown on the detailed site plan prior to certification of the plan because the plan is for an employment destination where bicycle parking facilities are recommended in the area master plan. The plan area is a commercial destination where it is anticipated that bicyclists will ride to work and/or frequent the shopping venues and the movie theater that is proposed with this application. The Planning Board accepts these conclusions as findings for the reasons stated.

- d. **Environmental Planning**—Major findings of the Environmental Planning review are below:

- (1) There is a signed Natural Resources Inventory (NRI/158/06-02) approved on June 17, 2008, which incorporates Lots 5 through 8 of Long's Subdivision.
- (2) The gross tract area of the TCPH is 182.35 acres. The Woodland Conservation Threshold for the overall site is 24.58 acres, based on a 15 percent woodland conservation requirement in the I-3, I-1, and C-S-C zones.

The total amount of required woodland conservation based on the proposed clearing of 18.48 acres on-site, 0.05 acres of clearing in the 100-year floodplain, and 1.25 acres of off-site clearing, is 35.24 acres. The revised TCPH proposes to meet the requirement with 17.06 acres of on-site preservation, and 18.18 acres of off-site mitigation. The increased off-site woodland conservation requirement is largely the result of expanding the limits of the TCPH to include the wooded lots of Long's Subdivision and the proposed clearing of these lots consistent with the development proposed. The additional woodland conservation requirement cannot be provided elsewhere on the site because the other lots within the TCPH boundaries have been sold, were previously developed, or are not included in the current application.

The provision of the additional off-site woodland conservation mitigation must be fulfilled with the additional grading proposed under the current application. Type II Tree Conservation Plan TCPH/133/91-09 has been submitted with the current application, and requires technical revisions prior to certificate approval.

- (3) The water quantity and quality requirements for the Brandywine Crossing project will be handled by existing ponds and by bioretention. A revision to the approved stormwater management concept approval letter is required in order to incorporate the additional lots proposed as part of the development proposal.
- (4) The overall site contains streams or wetland areas that may be impacted, and may be regulated by federal and state requirements.
- (5) As a condition of prior approval: **"Prior to Detailed Site Plan approval for 1 & 2 Block B, the applicant shall demonstrate to the satisfaction of the Natural Resources Division that the noise levels for all interior office space does not exceed 55 dBA."**

Conditions related to mitigation of interior noise impacts are currently addressed prior to the issuance of building permits by certification of the noise mitigation qualities of the building shell by an acoustical engineer. This condition should also be appropriately applied to the additional area of Long's Subdivision, Lots 19 through 23, which also fronts on Crain Highway. The Natural Resources Division

is now known as the Environmental Planning Section, within the Countywide Planning Division.

The prior condition of approval only applied to noise levels for office space. No office space is proposed in the subject detailed site plan revision, and therefore the above recommendation is not included in the Planning Board's conditions of approval.

- e. **Historic Preservation**—A Phase I archeological survey was completed on the 31.28-acre Brandywine Crossing Phase II Property in May 2008. Four copies of the final report, *A Phase I Cultural Resources Investigation of the Brandywine Crossing Phase II Property, Prince George's County, Maryland, Preliminary Plan #4-07112*, were received by the Historic Preservation Section and were accepted on August 7, 2008. No archeological sites were identified. All nine houses on the western side of the property fronting on Crain Highway (US 301) were recorded on a Maryland Inventory of Historic Properties form. Due to the lack of archeological sites on the property, no further work was recommended. Staff concurs with the report's findings that no further archeological work is necessary on the Brandywine Crossing Phase II Property. All archeological conditions have been satisfied.
 - f. **Department of Public Works and Transportation (DPW&T)**—The Department of Public Works and Transportation (DPW&T), in a memorandum dated June 10, 2010, provided a standard response on issues such as right-of-way (ROW) dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced at the time of issuance of the access permit. DPW&T also indicated that the subject DSP is consistent with the approved SWM concept plan. DPW&T has no objection to the proposed layout revision.
 - g. **Permit Review**—The Permit Review Section identified several revisions that shall be made to the detailed site plan. Those comments have been incorporated into the resolution as conditions of approval for this DSP.
 - h. **Maryland State Highway Administration (SHA)**—The Maryland State Highway Administration (SHA), in a memorandum dated June 3, 2010, indicated that an access permit must be obtained from the SHA prior to constructing the proposed temporary access as shown on plans.
 - i. **Washington Suburban Sanitary Commission (WSSC)**—WSSC provided written comment on the subject DSP dated June 11, 2010. There is a previously submitted conceptually approved project (DA4897Z08) that will require a revision to reflect the changes on the subject DSP.
15. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's

County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 II Tree Conservation Plan (TCP11/133/91-07) and further APPROVED Detailed Site Plan DSP-07076/01 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the detailed site plan, the following information shall be provided, notes added, or revisions made:
 - a. The parking schedule shall include the number of handicap parking spaces and van accessible parking spaces required and provided on the site.
 - b. The parking schedule shall show parking based on the gross leasable area (GLA), not the gross floor area (GFA).
 - c. The parking schedule shall include the correct number of seats in the theater.
 - d. Demonstrate and label on the site plans the location of three (3) required loading spaces for the shopping center portion and one (1) required loading space for the theater.
 - e. Provide a loading schedule on the site plans indicating the number of loading spaces required and provided.
 - f. Demonstrate and label on the site plans the location of all dumpster areas and screening of the dumpster areas.
 - g. Provide the dimensions for all proposed buildings.
 - h. Provide the lineal footage at the front of each building or the lineal footage of each individual unit on the site plan to determine the maximum permitted square footage of building sign area for each individual building.
 - i. Provide the freestanding sign information on the site plan prior to certification.
 - j. Revise the DSP to show one u-shaped bicycle rack near the front of each pad site building, and four u-shaped bicycle racks along the front of the theater building.
 - k. Revise the DSP to show no freestanding signs taller than 25 feet.
 - l. Provide a note on the DSP stating that the signage for the theater will not exceed 400 feet, unless a departure is granted.

- m. Submit a revised stormwater management concept approval letter or equivalent technical approval and associated plans.
- n. Revise the DSP to include the ten-foot public utility easement (PUE) and the entrance feature easement location in the northeast quadrant of the intersection of Timothy Branch Drive and Crain Highway (US 301) (in the area of the Special Exception (SE)).
- o. Revise the DSP to provide reference to the zoning map amendment which rezoned this property to C-S-C and provide the conditions of the zoning map amendment.
- p. The DSP shall delineate all of the utility easements as reflected on the approved preliminary plan of subdivision.
- q. The DSP shall reflect parcels instead of lots, and clearly delineate the parcel lines with bearings and distances.
- r. Provide striped crosswalks across Timothy Branch Drive to connect Phase I of the Brandywine Crossing development to Phase II proposed in the subject DSP, subject to DPW&T approval.
- s. Provide sidewalks and crosswalks on the east side of the drive aisle that connects to the front of the proposed theater to Timothy Branch Drive.
- t. Provide a wider landscaped pedestrian connection from the proposed theater entrance through the parking lot to the retail street in order to facilitate pedestrian connectivity. The connection shall be at least 20 feet wide and incorporate a sidewalk at least six feet in width.
- u. Provide additional shade and/or ornamental trees and at least two types of shrubs in the landscaped pedestrian connection from the proposed theater to the retail street. Thornless Honeylocust shall constitute some of the ornamental trees in this area, unless applicant and the Urban Design Section agree on alternate species with similar characteristics.
- v. The restaurant (Building L) shall be relocated from the east to the west side of the retail street so its front faces the front of the theater. In the present location of Building L a pedestrian plaza shall be located as a terminus of the walkway from the theater. The three buildings on the west side of the street shall be relocated along one or both sides of the street in locations mutually agreeable to applicant and Urban Design staff.

Total building square footage of the four referenced buildings shall not be reduced below what is currently shown.

- w. Relocate the landscaped pedestrian connection to align with the proposed pedestrian plaza and the front of Building L. The currently proposed crosswalks shall be relocated accordingly.
 - x. Choose trees for the theater parking lot that provide shade, but do not block views of the theater. The proposed Willow Oaks in front of the theater may be moved to new locations mutually agreed upon by the applicant and the Urban Design Section.
2. The development of Brandywine Crossing Phase II shall be consistent with that constructed in Phase I. This includes consistency in construction materials for lighting, signage, benches, planters, and landscape treatments. The DSP shall be revised to create more compatibility between the two phases as follows:
- a. Provide details and locations of street lamps for the subject DSP consistent with those used in the development of Brandywine Crossing Phase I.
 - b. Provide details of the walkways for the subject DSP consistent with the scored concrete walkways built in the development of Brandywine Crossing Phase I.
 - c. Provide details and locations of the benches for the subject DSP consistent with those used in the development of Brandywine Crossing Phase I.
 - d. The crosswalks shall be revised to incorporate herringbone patterned brick consistent with that built in the development of Brandywine Crossing Phase I.
 - e. The proposed pylon gateway sign shall be revised to be more compatible with the existing gateway sign on the corner of Timothy Branch and US 301. The sign proposal shall include columns with stone veneer as a design element instead of brick.
3. Prior to signature approval of the detailed site plan, the TCP II shall be revised as follows:
- a. The tables in the right hand upper corner of the site plan shall be revised to reflect the current configuration of the TCP II and retain the woodland conservation requirements for individual parcels.
 - b. Details for woodland conservation signage which apply to the overall TCP II shall not be crossed out.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.

4. All structures shall be fully equipped with a fire suppression system built in accordance with National Fire Protection Association (NFPA), Standard *13[Ø], and all applicable County laws and regulations.

5. The record plat shall include the following note:

"The Long's Subdivision Lots 5-8 are consolidated into the Brandywine Crossing Phase II development pursuant to the Subdivision Regulations Section 24-108(a)(3) and 24-11. and are subject to the trip and density caps approved for Brandywine Crossing, Phase II in 4-07112 and DSP-07076/01, or any subsequent revisions."


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 Cavitt, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt opposing the motion at its regular meeting held on Thursday, July 29, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2010 *and corrected on November 9, 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 11/10/10