



PGCPB No. 12-103

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File No. DSP-07076/05

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 November 1, 2012 regarding Detailed Site Plan DSP-07076/05 for Brandywine Crossing, Phase II (McDonald's), the Planning Board finds:

1. **Request:** The purpose of the subject detailed site plan (DSP) application is to incorporate the architecture and site layout for a 3,987-square-foot McDonald's restaurant with drive-through; provide layout changes for Parcels 7 and 8; and increase the square footage previously assigned to Building P.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	A developing Integrated Shopping Center with Theater, Vehicle Sales Lot and Service	A developing Integrated Shopping Center with Theater, Vehicle Sales Lot and Service
Acreage	34.1	34.1
Parcels/Lots	5 Parcels, 14 lots	5 Parcels, 14 lots

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	<b>Previously Approved Building Square Footage</b>	<b>Approved Building Square Footage</b>
Total Gross Floor Area (GFA)	162,313 (including CarMax potential expansion)	163,350 (including CarMax potential expansion)
of which Theater Building M	60,000	60,000
Building J	6,500	6,500
Building K	3,500	3,500
Building L	13,000	13,000
Building N	7,000	7,000
Building O (McDonald's)	3,600	3,987
Building P	4,000	4,650
Building Q (Cheddar's)	7,938	7,938
Building R	3,500	3,500
CarMax	27,185 (initial) 53,275 (potential)	27,185 (initial) 53,275 (potential)

**Parking Data:**

<b>Total Parking Spaces Required</b>	<b>1,201 spaces</b>
Integrated Shopping Center	
50,075 GFA @ 1 space per 250 GFA	201 spaces
Theater	
3,266 seats @ 1 space per 4 seats	817 spaces
Vehicle Sales/ Service Lot	183 spaces

<b>Total Parking Spaces Provided</b>	<b>1,525 spaces</b>
Compact Spaces	205 spaces
ADA Spaces	42 spaces
<b>Loading Spaces Required</b>	<b>6 spaces</b>
<b>Loading Spaces Provided</b>	<b>6 spaces</b>

3. **Location:** The subject site is located in the northeast quadrant of the intersection of Timothy Branch Drive and Robert 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

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Business Drive is undeveloped I-1-zoned (Light Industrial) property. To the south is the C-S-C-zoned (Commercial Shopping Center) property (A-9980-C), a previously approved integrated shopping center known as Brandywine Crossing, Phase 1, developed by the same applicant. To the west across US 301 is the Chaddsford development zoned E-I-A (Employment and Institutional Area), L-A-C (Local Activity Center), and R-M (Residential Medium Development). To the north are I-3 (Planned Industrial/Employment Park) and I-1-zoned properties.

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 and Industrial Area) Zone. The September 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 and I-3 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 as Preliminary Plan of Subdivision 4-97124 in 1998 (PGCPB Resolution No. 98-84). 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, 18385-2008-01.

A 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 Zone. On July 29, 2010, Detailed Site Plan DSP-07076-01 was approved by the Planning Board (PGCPB Resolution No. 10-82(C)) which reduced the gross floor area (GFA) for Phase II of Brandywine Crossing and relocated the proposed movie theater north of the "T" intersection of Matapeake Business Drive and Timothy Branch Drive. The DSP revision also added an additional 3.6 acres of land that was recently rezoned from the I-3 Zone to the C-S-C Zone per the District Council's approval of Zoning Map Amendment A-10014-C on June 29, 2009 (Zoning Ordinance No. 10-2009).

On June 30, 2011, the Planning Board approved Departure from Sign Design Standards DSDS-670 for a freestanding sign and building signage for this section of the shopping center. PGCPB Resolution No. 11-51 was approved for the building-mounted signage proposal and PGCPB Resolution No. 11-69 was approved for the freestanding signage proposal.

On November 16, 2011, the Zoning Hearing Examiner approved Special Exception SE-4697 for the Brandywine Crossing-CarMax proposal. That decision was made final on April 10, 2012. The special exception approval contained a condition anticipating further detailed site plan review and approval for the Brandywine Crossing-CarMax.

On May 10, 2012, the Planning Board approved Detailed Site Plan DSP-07076-04 (Brandywine-Crossing Phase II (Cheddars Cafe and Carmax (PGCPB Resolution No. 12-37))) to incorporate the architecture and site layout for a Cheddar's restaurant, which was previously

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identified as Building Q; and provide detailed site plan review for a proposed CarMax vehicle sales lot, as required by Zoning Ordinance No. 12-2007 (A-9990-C) and Zoning Ordinance No. 10-2009 (A-10014-C). DSP-07076-04 was also the subject of a District Council-approved permit in the right-of-way application pursuant to Section 27-259 of the Zoning Ordinance.

As the subject application is the most recent plan revision, its coversheet shall reflect site data of the more recent plan approvals. A condition of approval requires that the coversheet is updated.

6. **Design Features:** The Brandywine Crossing, Phase II, 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 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 Brandywine Crossing, Phase II, is composed of three major sections: the theater, a retail street, and a vehicle sales building with service lot. There is one four-acre parcel (Parcel 11) within Brandywine Crossing, Phase II, for which there is no development proposal.

The retail street section is located close to US 301/MD 5. There are eight buildings that comprise the retail street. The design of the retail street is intended to emulate the pattern of traditional main streets with small retail buildings on both sides. The terminus for the retail street is Building Q, which is the location of the approved Cheddar's restaurant. The McDonald's building is proposed southwest of the approved Cheddar's restaurant.

#### **McDonald's Building (Building O)**

The 3,987-square-foot McDonald's building will be served by a double drive-through lane that loops from the west side of Parcel 8 towards the southwest corner of the proposed building. Two menu boards and directional signage associated with the drive-through are proposed. The drive-through location, which loops around the back of the building, reduces some of the potential for pedestrian/vehicular conflicts along the retail street.

The detailed site plan proposes the substitution of the approved on-street parallel parking on Parcels 7 and 8 with angled parking spaces. The angled parking proposed on both sides of the northern end of the retail street modifies the street section by creating a wider area of asphalt along the northern portion of the retail street, and reducing the area for walkways and street trees on both sides of the street. Furthermore the lamp posts proposed along the street appear to encumber the reduced-width sidewalk.

The applicant indicates that the desire for the angled parking is to provide more convenient handicap-accessible parking for the McDonald's restaurant due to the older clientele that is expected to frequent the restaurant. While the angled parking does not appear appropriate along long portions of the retail street, due to its impact on the streetscape, the Planning Board finds that some flexibility in this regard appears appropriate in this specific case. The DSP shall be revised to provide parallel parking along both sides of the retail street, as was originally approved, with the

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exception of three angled Americans with Disabilities Act (ADA) spaces, which may be provided directly east of the McDonald's restaurant. The applicant has submitted an exhibit (Exhibit 1), which illustrates this concept. The Planning Board supports this concept which indicates how a wider sidewalk and three shade trees may be provided in front of the proposed McDonald's along the retail street.

#### **Architecture**

The proposed McDonald's restaurant building is one of the franchise's newer architectural models and has a contemporary appearance. The design is of a one-story, red brick and stone veneer building with a flat roof. The flat plane of the roof is broken with the addition of a stone-clad, tower-parapet feature and a golden, metal, sloping curve as a roof cap design element. The building is mostly red brick with occasional horizontal bands of a brick reveal. Darker brick is proposed on the west side of the building (facing US 301) in the area of the drive-through pick-up windows, and in wider horizontal bands between the pick-up windows. Stone veneer is proposed mostly in the area of the dining room. Awnings with yellow and orange bands are proposed above the dining room windows.

With regard to architecture, the "Non-Drive Through Side Elevation" is the front elevation, as it faces the retail street. The design of this elevation, in particular the balance of materials, is inconsistent with portraying this as a front elevation. The applicant has submitted Exhibit 2, which is a sketch of a modified architectural proposal for the south building elevation and east elevation (facing the retail street). The Planning Board finds that the balance of the windows and the increase in stone features will aid in the creation of a more attractive front to the building. The final architectural elevations shall reflect the revised proposal indicated in Exhibit 2.

#### **Public Space**

In previous approvals of Brandywine Crossing, the Planning Board encouraged outdoor seating areas to activate the streetscape of the retail street. Currently, a large green area is shown on the north side of the McDonald's building. With some redesign, an outdoor seating area for the proposed McDonald's shall be provided. A seating area would be best utilized by patrons on the south side of the building near the entrance into the proposed dining room, but nevertheless a seating area on either the north or south side of the building would be a beneficial addition to the site. Prior to signature approval, the DSP shall include a design for an outdoor seating area for the proposed McDonald's. The seating area shall include: specialty paving to define the space, tables and seating, and a combination of fencing and landscaping that would provide some separation between the seating area and the adjacent drive-through lane and parking. The final design shall be approved by the Urban Section, as designee of the Planning Board.

The u-shaped bicycle rack that is required near the front of the building pad, per the approval of DSP-07076-01, shall be provided. Its location may be shifted as necessary to accommodate the additional public amenities referenced above.

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#### 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. Condition 2 is 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. If approved with conditions, the architecture proposed for Building O will be a dramatic aesthetic improvement over the surrounding industrially-zoned properties.

All other conditions of Zoning Ordinance No.12-2007 were determined to have been met during the review of DSP-07076 and its revisions. No additional findings regarding Zoning Ordinance No.12-2007 pertain to this detailed site plan revision.

8. **Preliminary Plan of Subdivision 4-07112:** On July 10, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07112 (PGCPB Resolution No. 08-106) for Parcels 1-5 which includes a variation from Sections 24-130 and 24-121(a)(3) of the Subdivision Regulations. The area of revision (Parcel 8) is entirely within the boundary of 4-07112. The preliminary plan allows a temporary direct right-in access to the subject site from Robert Crain Highway (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.**

The Planning Board finds that there is an approved Type I Tree Conservation Plan (TCPI-026-91/03) and Type II Tree Conservation Plan (TCPII-133-91/10) for the overall Brandywine Crossing development. The current TCPII shall be revised to show the footprint and site design layout related to Building O.

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

The Planning Board finds that this DSP complies with this condition. The subject application is consistent with the approved Stormwater Management Concept Plan, 11481-2008-01.

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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 Planning Board finds that the DSP complies with this condition.

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.**

This condition is applicable for the parcels fronting on Crain Highway (US 301). Applications for commercial building permits for office uses adjacent to US 301 shall contain a certification prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification should state that the interior noise levels for the proposed structure have been reduced through the proposed building materials to 55 dBA Ldn or less. The subject proposed uses are not office uses. Conversion to office uses at a later date may affect the applicability of the above condition of approval.

9. **Detailed Site Plan DSP-07076-01:** On July 29, 2010, Detailed Site Plan DSP-07076-01 was approved by the Planning Board (PGCPB Resolution No. 10-82(C)).

At the time of approval of Brandywine Crossing, Phase II, DSP-07076-01, the Planning Board encouraged use of consistent design standards to help unify Phase II of the development with Brandywine Crossing, Phase I (DSP-06077). At the time of approval of Brandywine Crossing, Phase I, the applicant submitted complete design guidelines to be applied to the entire Brandywine Crossing shopping center. The intent of the design guidelines was 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 is reflected in the building's 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 approval of Brandywine Crossing, Phase I.

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There are a number of design details from Brandywine Crossing, Phase I, that the Planning Board has previously recommended be included in Phase II. The street lamps used in Phase I are required to be used in the development of Phase II. The walkways in the development of Phase I incorporate scored concrete. This scored concrete walkway treatment shall be continued in front of the proposed McDonald's restaurant. Any 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. The subject detailed site plan has been reviewed for consistency with those previous approvals, and conditions for plan approval have been provided where deemed necessary to maintain consistency in the subject revision.

10. **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 Planning Board finds that 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 and eating and drinking establishments are permitted in this zone.
  - b. The Planning Board finds that the site layout 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 following discussion is offered.

- (1) The permitted building-mounted sign area is regulated as follows:

**Section 27-613(c)(3)(C)**

- (i) **The area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building measured along the wall containing the principal entrance of each individual place of business to a maximum of four hundred (400) square feet.**

The amount of building-mounted signage permitted for the proposed McDonald's building is based upon the lineal feet of building width. While the proposed building-mounted signage appears to be well within the amount permitted by Section 27-613 of the Zoning Ordinance, the applicant shall provide a table that clarifies the amount of building-mounted signage permitted by the Zoning Ordinance, and that provided.



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(2) On July 28, 2011, the Planning Board adopted a resolution for the approval of Departure from Sign Design Standards DSDS-670 for signs for the Brandywine Crossing, Phase II development. In its approval of a more extensive signage proposal for the proposed movie theater and retail tenants, the Planning Board determined that no additional freestanding signs shall be permitted in the shopping center. As a result, the Planning Board added a condition that restricts the issuance of any additional sign permits for freestanding signs for the shopping center. Condition 2 of PGCPB Resolution No. 11-69 reads:

**2. No further sign permits for freestanding signs shall be approved for Phase I or Phase II of the Brandywine Crossing Shopping Center.**

No additional freestanding signage has been proposed with the subject application.

(3) The subject revision includes directional signs for the proposed McDonalds. The Planning Board finds that a signage location plan that indicates the locations of all proposed directional and freestanding signage for Brandywine Crossing, Phase II, shall be provided prior to signature approval of the detailed site plan. In addition, all materials and colors of proposed signs shall be provided.

11. **Prince George's County Landscape Manual Requirements:** The area of revision (Parcel 8) is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

**Section 4.2**—The subject proposal has frontage on Robert Crain Highway (US 301). Section 4.2, Requirements for Landscape Strips along Streets, specifies that for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. A 4.2 schedule has been provided indicating conformance with this requirement.

**Section 4.3**—A percentage of the parking lot, determined by the size of the lot, is required to be interior planting area. The proposed McDonald's parking lot on Parcel 8 is 33,759 square feet; therefore, an eight percent interior planting area shall be provided. The landscape plan has provided the required interior planting area, shade trees, and the required schedules.

The site plan does not demonstrate conformance with the parking lot perimeter landscape strip requirements. In the Developing Tier, Section 4.3-1 requires a minimum five-foot-wide landscape strip between a parking lot and any adjacent property line. The Landscape Manual does provide some flexibility from this requirement in integrated shopping centers where drive aisles are located such that it is impractical to conform to the standard. Along the southern property boundary of Parcel 8, a parking lot perimeter landscape strip shall be provided between the parking lot and the drive aisle into the shopping center in accordance with the Landscape Manual requirements. If provided, the perimeter strip will straddle this property line, but nevertheless meet the intent of

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Section 4.3-1. A perimeter strip shall be provided along the southern property line of Parcel 8, prior to signature approval of the plans.

**Section 4.4**—The site is subject to Section 4.4, Screening Requirements. A detail for a durable, non-wood trash enclosure shall be provided for the proposed dumpster. The dumpster enclosure shall include brick and masonry materials complementary to those used in the construction of the proposed building.

**Section 4.7**—The site is subject to the requirements of Section 4.7. A Section 4.7 schedule shall be provided that indicates the impact category of the proposed use and the adjacent uses. If no bufferyard is required, then that shall be indicated on the provided Section 4.7 schedule, or in a plan note.

**Section 4.9**—The site is subject to Section 4.9 of the Landscape Manual, which requires that a percentage of the proposed plant materials be native plants. The required charts have been included on the landscape plan and correctly demonstrate conformance with the requirements of Section 4.9.

There are a few technical revisions needed to the submitted landscape plan prior to signature approval, so that it is clearer that the requirements of the 2010 *Prince George's County Landscape Manual* have been met. Those plan revisions are included as conditions of approval.

12. **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. This application is not subject to the environmental regulations that came into effect on September 1, 2010, because the site has a previously approved preliminary plan and detailed site plan. The application is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type 1 and Type 2 tree conservation plans. The associated TCPII is for the entirety of the Brandywine 301 Commerce Park totaling 182.35 acres.
  - 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 TCPII-133-91-11 complies with the requirements of the Woodland Conservation and Tree Preservation Ordinance, if revisions listed at the end of this resolution are provided.
13. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. The Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on properties that require a grading permit. Properties zoned C-S-C are

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required to provide a minimum of ten percent of the gross tract area in tree canopy. The provided tree canopy coverage schedule indicates the use of credit for woodland conservation shown on an approved Type II tree conservation plan (TCPII).

In the approval of DSP-07076-04 (PGCPB Resolution No. 12-37), the Planning Board found that tree canopy coverage should be provided on each of the developing sites within Brandywine Crossing Phase II, to the extent feasible. Finding 14 of PGCPB Resolution No. 12-37 states the following:

- 14. **Tree Canopy Coverage Ordinance: The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. The Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on properties that require a grading permit. Properties zoned C-S-C are required to provide a minimum of ten percent of the gross tract area in tree canopy. This requirement is to be met on-site. Tree canopy coverage schedules have been provided for the parcels (Parcels 9 and 10) subject to this revision. Those schedules indicate the use of credit for woodland conservation shown on an approved Type II tree conservation plan (TCPII); however, the areas of woodland conservation are not on Parcels 9 or 10, or even within the area of Brandywine Crossing, Phase II.**

The TCC credit provided on Parcels 9 and 10 is as follows:

	REQUIRED	PROPOSED ONSITE
Tree Canopy	51,793 sq. ft.	16,100 sq. ft.

Although the Tree Canopy Coverage Ordinance is new, there appears to be precedent for allowing credit for woodland conservation shown on a tree conservation plan, even when that woodland conservation is not within the boundaries of the detailed site plan area being reviewed. While this may be permissible, this policy does not appear to entirely meet the intent of the Tree Canopy Coverage Ordinance, which is to preserve, maintain, enhance, and restore tree canopy coverage on developed and developing sites. The Planning Board encourages the applicant to provide additional tree canopy within the developing sites of Brandywine Crossing, which will be enjoyed by future patrons of those businesses. The remote areas of tree preservation off the subject property do little to improve environmental quality within Brandywine Crossing. The applicant shall improve TCC on the subject developing sites to the extent feasible.

The TCC schedule shall be revised to indicate that the technical requirement is met for the entire area of the TCPII, which includes Brandywine Crossing,

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**Phases I and II. As the TCPII encompasses 182.35 acres, approximately 18.23 acres of tree canopy shall be demonstrated for the area of the TCPII.**

The TCC credit provided on Parcels 8, the 1.03 acre site upon which the McDonalds is proposed, is as follows:

	<b>RECOMMENDED</b>	<b>PROPOSED ON SITE (PARCEL 8)</b>
Tree Canopy	4,487 sq. ft.	5,655 sq. ft.

The tree canopy coverage provided on the McDonald's site is 12.55 percent, and exceeds the ten percent TCC requirement in the C-S-C Zone. The tree canopy coverage on Parcel 8, and Brandywine Crossing as a whole, meets the TCC requirements and guidelines established in previous plan approvals.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—Brandywine Crossing II should eventually provide an alternative to the automobile-oriented development pattern; the development should create a place where, increasingly, customers are likely to walk instead of drive to center destinations. The development pattern in Brandywine Crossing II should implement transit and pedestrian-oriented development pattern policies and recommendations in the 2002 *Prince George's County Approved General Plan* and the September 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5*. The transit station, that will be the future focus of this community, is a long-term plan element. In the near term, development planning decisions need to put in place features that would be difficult to change or create if they are not present from the beginning, such as roads and sidewalks. These features can establish critical connectivity patterns and building setbacks needed to implement the land use policy recommendations for the Brandywine Community Center.

**2002 Prince George's County Approved General Plan (as amended by the 2009 Approved Subregion 5 Master Plan)**

The 2002 *Prince George's County Approved General Plan* identified a large area in the Developing Tier in Brandywine along the MD 5/US 301 Corridor as a "possible future Community Center" which was to be evaluated and defined in the next master plan for the area. That evaluation and definition took place during the preparation of the 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5*, resulting in the designation of the subject property within the Brandywine Community Center. Community Centers are described in the General Plan as follows:

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*“Community Centers are concentrations of activities, services and land uses that serve the immediate community near these centers. These typically include a variety of public facilities and services - integrated commercial, office and some residential development - and can include mixed-use and higher-intensity redevelopment in some communities. Community centers should also be served by mass transit.”*

The General Plan further defines the land use policy for Centers as follows: to promote the development of compact, integrated, mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit- and pedestrian-oriented design.

#### **2009 Approved Master Plan and Sectional Map Amendment for Subregion 5**

The 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5* reinforces goals of the General Plan and identifies the following goals specifically for the Brandywine Community Center (plan, p. 48):

- *“Capitalize on public investment in existing transportation system.*
- *Promote compact, mixed-use development at moderate to high densities.*
- *Ensure transit-supportive and transit-serviceable development.*
- *Require pedestrian-oriented and transit-oriented design.*
- *Ensure compatibility with surrounding neighborhoods.”*

Within the Brandywine Community Center, the master plan also designates a core area comprised of land on the east side of MD 5/US 301 within ¼ mile of the future transit station, planned at the intersection of A-55 (new) and MD 5/US 301 (see Map IV-6, p.52, and attached illustration). The subject property is within this core area. The master plan describes the Brandywine Community Center Core as follows:

*“The community center core is on the east side of MD 5/US 301, approximately one-quarter mile from the transit station. The core would be a mixed-use area containing moderate to high density residential (15 to 30 dwelling units per acre), commercial, and employment uses that would generate approximately 25 employees per acre. Public uses, such as schools, parks, and the transit station, would comprise 10 percent to 20 percent of the total area. This area would abut existing and planned major retail and wholesale land uses to the south, such as Costco and Target, both of which were under construction in fall 2008. That type of retail is inappropriate within the community center core. Other uses that would be inappropriate in the core area would be auto-oriented or land intensive uses, such as automotive repair, drive-in restaurants, or lumberyards. On the north side of the core area would be the more intense elements of the mixed residential development called Villages at Timothy Branch.”*

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The 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5* addresses specific design considerations in the Brandywine community center as follows (plan, p. 54):

*“Urban design considerations such as architectural scale, bulk, and style, street and sidewalk widths, vegetation, and building materials are crucial details that make a place attractive and livable and establish a community’s unique character. Guidelines regarding such elements can help to reinforce community character, while allowing appropriate design flexibility.”*

A wide sidewalk connecting the subject pad site with the other pad sites along the road in this Main Street area will facilitate future redevelopment of this area to the future walkable, pedestrian and transit-oriented community recommended in the master plan. Sidewalks and roads are critical to this framework because they are more difficult to change or create if they are not present from the beginning. These design considerations need to guide all future development in the core area of the Brandywine Community Center.

Applications concerning the subject property (A-9990 for rezoning from the I-1 and I-3 Zones to the C-S-C Zone, Preliminary Plan of Subdivision 4-07112, and Detailed Site Plan DSP-07076, the subject of this proposal) were approved prior to approval of the 2009 Approved Master Plan and Sectional Map Amendment for Subregion 5; therefore, the project was not planned with the master plan principles in mind. Some master plan recommendations can be supported with the subject application, including encouraging pedestrian connectivity throughout the development. The Planning Board concurs that all sidewalks leading to the main entrance of the restaurant, facing the main street, should be wide and continuous.

b. **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 TCPII 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 acre of clearing in the 100-year floodplain, and 1.25 acres of off-site clearing, is 35.24 acres. The TCPII proposes to meet the requirement with 16.87 acres of on-site preservation and 18.37 acres of off-site mitigation. Because the other lots within the TCPII boundaries have been sold,

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were previously developed, or are not included in the current DSP application, the additional woodland conservation requirement cannot be provided elsewhere on the site.

- (3) The location and type of the stormwater management facilities have been shown on the TCPII plan. A revised Stormwater Management Concept Approval Letter (11481-2008-01) was approved on March 23, 2010, and was submitted with the current application, and does not appear to have any effect on the overall site design.
- (4) As a condition of prior approval of Preliminary Plan 4-97124:

**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 Robert Crain Highway (US 301). The Natural Resources Division is now known as the Environmental Planning Section, within the Countywide Planning Division.

Preliminary Plan 4-97124 was superseded by the approval of Preliminary Plan 4-07112. No office space is currently proposed so this condition is not applicable.

- c. **Transportation Planning**—The 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5* reflects a future fixed guideway transit facility between Charles County and the Branch Avenue Metrorail station. Detailed Site Plan DSP-07076 was initially approved for an integrated shopping center and theater on September 11, 2008, prior to the adoption date of the 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5*. The last plan for this site that was heard, Detailed Site Plan DSP-07076/04, addressed this facility more substantially. The transit facility is proposed to be 70 feet in width and located on the east side of US 301/MD 5. It is noted that the transit line has not been subjected to environmental review or detailed engineering. The 70-foot right-of-way would extend well into the proposed parking areas within the integrated shopping center shown on the plan. District Council approval to allow parking within the proposed transit right of-way should be obtained.

Access and circulation within the site are acceptable.

The Planning Board finds that Detailed Site Plan DSP-07076-04 was also the subject of a District Council-approved permit in the right-of-way application pursuant to Section

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27-259 of the Zoning Ordinance. The detailed site plan shall be revised to indicate the location of the transit right-of-way, as it was reflected in the approval of DSP-07076-04.

- d. **Subdivision Review**—Parcel 8 was recorded in Plat Book MMB 234-76 on September 21, 2011. The record plat contains 11 notes and the applicable conditions that relate to the review of this application are discussed in the preliminary plan conditions indicated in Finding 8. The bearings and distances shown on the subject proposal do not match the record plat; however the applicant is proposing to adjust the recorded lot lines as shown on the site plan. It should be noted that the bearings, distances, lots, and blocks as reflected on the final plats must be shown and match. Failure of the site plan and record plans to match will result in the building permits being placed on hold until the plans are corrected. Approval of the final plat must occur prior to any grading or building permits for Parcel 8. The site acreage of the detailed site plan is not clearly shown and should be revised to clearly show the proposed acreage.

The Planning Board finds that a plat of correction for parcels 1 through 12 was approved by the Planning Director on September 10, 2012. The bearings, distances, lots, and blocks shall be shown on the detailed site plan. The detailed site plan's bearings, distances, lots, and blocks shall match a final plat.

- e. **Permit Review**—The Permit Review Section identified several revisions that should be made to the detailed site plan. Those comments have been incorporated into the resolution as conditions of approval for this DSP.
- f. **Department of Public Works and Transportation (DPW&T)**—The Department of Public Works and Transportation (DPW&T), in a memorandum dated August 14, 2012, provided a standard response on issues such as right-of-way 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 stormwater management concept plan. DPW&T has no objection to the proposed layout revision.
- g. **State Highway Administration (SHA)**—In a referral submitted on July 26, 2012, SHA stated that they have no objections to the subject proposal. An access permit for the entrance and road improvements has been issued.
- h. **Prince George's County Health Department**—In a referral dated August 17, 2012, the Environmental Engineering Program of the Prince George's County Health Department provided information regarding the health impact assessment completed for the subject detailed site plan. The following comment was provided:
  - (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all



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proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. Light levels at the property lines should not exceed 0.10 footcandles.

The Planning Board finds that the immediate site vicinity is a commercial area, and not a residential area or other environmentally sensitive area. For that reason the lighting levels should be reduced at the property line of the shopping center, as feasible, while maintaining safe lighting levels within the parking lot and along the driveways serving the center.

- i. **Prince George's County Office of the Fire Marshall**—In a referral dated August 28, 2012, the Project Coordinator provided a standard response.
  - j. **Washington Suburban Sanitary Commission (WSSC)**—In a referral provided for a August 17, 2012, meeting, WSSC provided comments for the subject application. Water and sewer service is to be in accordance with the existing WSSC approved Site Utility Plan 11-OS-1274. Any deviation from that plan may require a revision to be submitted to WSSC for re-approval prior to construction.
  - k. **Prince George's County Police Department**—The application was referred to the Prince George's County Police Department for CPTED review. No comment was issued by the police department.
15. Based upon the foregoing, and as required by Section 27-285(b) of the Zoning Ordinance, 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 (TCPII/133/91-11) and further APPROVED Detailed Site Plan DSP-07076/05 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 detailed site plan, and in particular the coversheet of DSP-07076-05, shall be revised to reflect the site data, parking space counts, layout, and transit alignment indicated in DSP-07076-04.
  - b. The DSP shall be revised to provide parallel parking along both sides of the retail street, as was originally approved, with the exception of three angled Americans with Disabilities

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Act (ADA) spaces, which may be provided directly east of the McDonald's restaurant, as is referenced in Applicant's Exhibit 1.

- c. The architectural elevations shall be revised to reflect the modifications in fenestration and exterior materials indicated in Applicant's Exhibit 2.
  - d. The DSP shall include a design for an outdoor seating area for the proposed McDonald's. The seating area shall include: specialty paving to define the space, tables and seating, and a combination of fencing and landscaping that would provide some separation between the seating area and the adjacent drive-through lane and parking. The final design is subject to approval by the Urban Design Section, as designee of the Planning Board.
  - e. A u-shaped bicycle rack shall be provided near the front of the building. Its location may be shifted as necessary to accommodate the additional public space.
  - f. A detail for a durable, non-wood trash enclosure and gate shall be provided for the proposed dumpster. The dumpster enclosure shall include brick and masonry materials complementary to those used in the construction of the proposed building.
  - g. A plan note shall be provided indicating that DSP-07076-04 was the subject of a District Council-approved permit in the right-of-way application pursuant to Section 27-259 of the Zoning Ordinance. The date of that approval, and any necessary application or permit numbers shall be reflected in the note.
  - h. Indicate the location of the transit right-of-way, as it was reflected in the approval of DSP-07076-04.
  - i. Label the ten-foot public utility easements (PUEs) on the coversheet and subsequent detail sheets.
  - j. Revise the site data table on the coversheet to indicate the acreage for Parcel 8.
  - k. Revise sheets 3-6 to clearly show the underlying property information (parcels, acreage, and property lines).
  - l. Revise Note 24 to match Condition 13 of PGCPB Resolution No. 08-106.
  - m. Add a note that direct access is authorized pursuant to Section 24-128(b)(9) for Parcel 9.
  - n. The detailed site plan shall match the new lot lines, acreage, and bearings and distances shown on the recently approved plat of correction.
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- o. Revise the site plan to demonstrate the parking space sizes for all parking and handicap spaces, drive aisle and entrance widths, drive arrows and clarify which spaces are standard and which are compact.
  - p. Revise the site plan to demonstrate the building dimensions for the proposed McDonald's building, not just on the Building Template plan.
  - q. The site plan shall be revised to use a more legible line weight to demonstrate the parking spaces.
  - r. A scored-concrete walkway shall be clearly indicated along the retail street.
  - s. The location of the street trees on Parcel 7 shall be consistent with the previous approvals.
2. Prior to signature approval of the detailed site plan, the following revisions shall be made to the landscape plan:
- a. A minimum of three-street trees shall be provided along the retail street in front of the proposed McDonald's.
  - b. The landscape plan cover sheet shall be revised to indicate the location of the "Section 4.2" landscape strip, not Section "4.3A."
  - c. A minimum five-foot-wide Section 4.3-1 perimeter strip shall be provided along the southern property boundary of Parcel 8 between the parking lot and the drive aisle into the integrated shopping center.
  - d. Indicate conformance with Section 4.7 by either providing a Section 4.7 schedule that indicates the impact category of the proposed use and the adjacent uses, or providing a detailed note indicating that no bufferyard is required.
3. Prior to certification of the DSP, the Type II tree conservation plan (TCP II) shall be revised to show the building footprints and site design layout features proposed under the current revised detailed site plan application.

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.

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\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, November 1, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29<sup>th</sup> day of November 2012.

Patricia Colihan Barney  
Executive Director

*Jessica Jones*  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

**APPROVED AS TO LEGAL SUFFICIENCY**



M-NCPPC Legal Department

Date 11/9/12