

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 May 10, 2012 regarding Detailed Site Plan DSP-07076/04 for Brandywine Crossing, Phase II, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application serves two purposes: to incorporate the architecture and site layout for Cheddar's restaurant, which was previously 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).

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant Trailer Storage	Integrated Shopping Center, Theater, Vehicle Sales Lot and Service
Acreage	34.1	34.1
Parcels/Lots	5 Parcels, 14 lots	5 Parcels, 14 lots
Building square footage/GFA	-	162,313 (including CarMax potential expansion)
of which Theater Building M	-	60,000
Building J	-	6,500
Building K	-	3,500
Building L	-	13,000
Building N	-	7,000
Building O	-	3,600
Building P	-	4,000
Building Q (Cheddar's)	-	7,938
Building R	-	3,500
CarMax	-	27,185 (initial) 53,275 (potential)

**Parking Data:**

**Required**

Integrated Shopping Center	
49,038 GFA @ 1 space per 250 GFA	197 spaces
Theater	
3266 seats @ 1 space per 4 seats	817 spaces
Vehicle Sales/ Service Lot	
15,364 GFA of showroom @ 1 space per 500 GFA	31 spaces
118,919 GFA of outdoor display area @ 1 space per 500 GFA	119 spaces
15 service bays @ 3spaces per bay	45 spaces
Total spaces required for CarMax	183 spaces
<b>Total Parking Spaces Required</b>	<b>1,197 spaces</b>

<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 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 I, 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 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, 18385-2008-00.

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.

On March 9, 2012, the Zoning Hearing Examiner approved Special Exception SE-4697 for the CarMax proposal. That decision was made final on April 9, 2012. The special exception approval contained a condition anticipating further detailed site plan review and approval, which is satisfied by the subject application. Prior to signature approval of the subject detailed site plan, a number of technical revisions to the CarMax plan set are necessary to integrate the site plan into DSP-07076-04. The required revisions are provided in the subject resolution.

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.

With this revision, the layout of Brandywine Crossing, Phase II, will be composed of three major sections: the theater, a retail street, and now 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 proposed Cheddar's restaurant.

The CarMax is proposed north of the retail street and theater on Parcel 10, which is a ten-acre parcel. The proposed use requires, and obtained, special exception approval prior to its inclusion in the subject detailed site plan.

#### **Cheddar's (Building Q)**

The proposed Cheddar's building is a 7,938-square-foot, one-story, brick and limestone-veneer building with a cedar-shake hip roof, which is proposed as a terminus to the retail street. The building therefore has two highly visible elevations: the south elevation facing the retail street and the west elevation facing US 301/MD 5. The Cheddar's main building entrance is proposed along the west elevation facing US 301, where a pronounced limestone veneer building entrance feature is designed, while the elevation facing the retail street lacks the visual interest that is warranted due to the prominence of its location. The Planning Board finds that the south elevation shall be redesigned to appear more like a front elevation, through the use of a stone veneer entrance feature with more architectural interest (similar to the west elevation), which may include additional building-mounted signage. The Planning Board also encourages the use of outdoor seating for the restaurant and attractive landscaping along the south of Building Q. The final design shall be approved by the Urban Section, as designee of the Planning Board. The final proposal shall appear to have two fronts: one on US 301 and one on the retail street.

Revisions are needed to the site plan, as originally proposed, to ensure that a continuous streetscape is provided between Parcel 9 and adjacent parcels. A 12- to 15-foot-wide, scored-concrete sidewalk is approved along both sides of the retail street in Brandywine Crossing. This is coordinated between Brandywine Crossing, Phases I and II. The connection of that scored-concrete sidewalk is not clearly delineated between the Cheddar's proposal and the rest of the retail street. The scored-concrete sidewalk detail shall be indicated to the main entrances into Cheddar's (along the west and south building elevations). The boundaries of a minimum ten-foot-wide sidewalk shall be indicated between Parcel 9 and Parcels 7 and 8. Currently, parking spaces provided on Parcel 9 reduce adequate width of the sidewalk near the proposed crosswalks at the terminus of the street. Two parking spaces shall be removed southeast of the crosswalk and shade trees shall be provided on either side of the street, as had been previously approved in DSP-07076-01 in order to preserve the integrity of the streetscape.

#### **CarMax**

The proposed CarMax building is largely horizontal with little architectural articulation. A solid blank wall of storefront windows is proposed on the first floor level of the south elevation (facing US 301) and the east elevation (facing Brandywine Crossing, Phase II). The building exterior is a solid grey color with four horizontal bands of an alternate material/color proposed. (As the materials are not labeled on the elevations, the Planning Board is unable to discern what is proposed). At the main entrances into the vehicle sales building, the applicant proposes blue canopies with white support columns. The submitted elevations lack visual interest and variety in design. There is little compatibility between the proposed CarMax building and the other approved and constructed buildings within Brandywine Crossing.

The Planning Board finds as follows:

- a. The appearance of the building will be improved with more variation in form, massing, fenestration, and choice of architectural materials and colors to provide more contrast and visual interest.
- b. The architecture shall be more compatible with the architecture of Brandywine Crossing, Phases I and II. Most commercial buildings in Brandywine Crossing incorporate masonry (brick or stone veneer) as an element in their design. Minimally, the south and west building elevations shall be improved with the addition of masonry.

The applicant has provided an architectural exhibit which has features more in keeping with the above recommendation. A condition of approval is provided to ensure that appropriate architectural revisions will be made. The building materials shall be clearly labeled on the elevations prior to signature approval.

#### 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 Planning Board finds that the subject DSP has been filed in order to fulfill this condition of approval. If approved with conditions, the architecture proposed for Building Q and the CarMax 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. **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 land area previously identified as Lots 5 through 8 is the area upon which the CarMax vehicle display area is proposed. The view from US 301 will be dominated by a large, 118,919-square-foot, vehicle display lot, as approved by Special Exception SE-4697 for the proposed CarMax. The view of the vehicle display lot will be improved by a landscape strip required by Section 4.2 of the 2010 *Prince George's County Landscape Manual* along the existing US 301 right-of-way. It is noted that the CarMax building's west elevation will be highly visible from US 301; therefore, improvements to the building's materials and design are recommended and are further discussed in Finding 6.

Vehicular connections to adjoining development appear adequate; however, south of the CarMax building, one sidewalk connection does not appear to continue south to the balance of the Brandywine Crossing, Phase II development. This pedestrian connection shall be provided prior to signature approval of the plans.

As discussed in Finding 6, there are a number of architectural compatibility and development standard issues which have not been addressed by the applicant, and the Planning Board finds that these shall be prior to signature approval of the plans.

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

9. **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 24-121(a)(3) of the Subdivision Regulations. The preliminary plan 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.**

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-133-91/09) for the overall Brandywine Crossing development. For the development of the site to be found in conformance with the TCPII plan, the current TCPII shall be revised to show the footprint and site design layout related to Building Q and the proposed CarMax.

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.

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.

10. **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, 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.

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. 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. 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.

11. **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 conforms to 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. The vehicle sales use has an approved special exception application, as required by the Zoning Ordinance.
  - 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 Planning Board adopts the following findings:
    - (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 CarMax and Cheddar'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.



- (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 should 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. The CarMax sign package includes 329 square feet of sign area within a freestanding sign approved pursuant to DSDS-640. The dimensions of the freestanding sign depicted in the CarMax sign package do not exceed the dimensions of the approved departure application.

- (3) The subject revision includes directional signs for the proposed CarMax. At least one additional directional sign location is proposed with the subject application. 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. All materials and colors of proposed signs shall be provided.
- d. The subject detailed site plan indicates parking within a proposed transit right-of-way, which requires a permit in the right-of-way application pursuant to Section 27-259. The permit in the right-of-way application is filed with the District Council.

The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Master Plan) reflects a future 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 Subregion 5 Master Plan. A revision to Brandywine Crossing, Phase II (DSP-07076-01) was approved on July 29, 2010, after the adoption date of the Subregion 5 Master Plan, which indicated a future transit facility; however, at the time of that review, the impact of the master plan right-of-way was not fully explored. 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 and the vehicle display area shown on the plan. District Council approval to allow parking within the proposed transit right-of-way shall be obtained. Approximately 66 vehicle display spaces and 155 parking spaces would be impacted to build the transit facility at some future date. The parking required could still

be provided on the subject site if the transit right-of-way were taken in the future. The number of parking spaces required is 1,197, and approximately 1,370 parking spaces would remain.

If the master plan right-of-way were taken, the proposed landscape strip along US 301 would also be removed. The requirements of Section 4.2, Landscape Strips along Streets, of the 2010 *Prince George's County Landscape Manual*, or its revision, should be provided on the subject site along its new frontage, as applicable at that time.

12. **Prince George's County Landscape Manual Requirements:** The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board adopts the following findings:

**Section 4.2**—The subject proposal has frontage on Crain Highway (US 301) and Matapeake Drive. 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.

Any new plant material proposed along the right-of-way shall meet the requirements of the 2010 Landscape Manual. The Section 4.2 schedules shall be revised to provide the required plant material. Currently, a number of plant substitutions are proposed which are not explicitly permitted in the Landscape Manual. The required shade trees and shrubs shall be provided; or if there is a physical site constraint that prevents provision of the required plant material, then the applicant shall submit an Alternative Compliance application for review and approval by the Planning Director, prior to signature approval of the detailed site plan.

**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 CarMax parking lot on Parcel 10 is over 50,000 square feet; therefore, a nine-foot-wide planting island perpendicular to parking for every two bays is required, or the interior planting area is required to be planted with one shade tree for each 200 square feet (or fraction) of interior landscaped area provided. The landscape plan indicates that it meets the intent of both options, when only one is required. The landscape plan has provided the required interior and perimeter planting areas and the required schedules.

The proposed Cheddar's parking lot on Parcel 9 is over 50,000 square feet; therefore, a nine-foot-wide planting island perpendicular to parking for every two bays is required, or the interior planting area is required to be planted with one shade tree for each 200 square feet (or fraction) of interior landscaped area provided. The landscape plan proposes one shade tree for each 200 square feet (or fraction) of interior landscaped area provided, for a total of 31 shade trees. The landscape plan meets the intent of Section 4.3-2.

The Parking Lot Perimeter Landscape Strip requirement has not been met for Parcel 9 along the northern property line. The site plan shall be revised to provide the minimum five-foot-wide landscape strip along the northern property line prior to signature approval of the landscape plan. At this time, the Parking Lot Perimeter Landscape Strip requirement appears impractical along other property lines which are shared with the integrated shopping center; however, prior to signature approval of the landscape plan, the applicability of Section 4.3-1 shall be reviewed for the southern property line of Parcel 9, once more clarity is offered regarding the location of walkways within this area of the integrated shopping center.

**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 uses and the adjacent uses. If no bufferyard is required, then that shall be indicated on the provided Section 4.7 schedule.

**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 Landscape Manual have been met. Those recommended plan revisions are included in the conditions of approval.

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 (TCPII) is now 182.35 acres, which encompasses all parcels of the original TCPI and additional lots from Long's Subdivision. The Planning Board adopts the following findings:
  - 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. The TCPII shall be revised to show the building footprints and site design layout features proposed under the current revised detailed site plan application.
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:

	<b>REQUIRED</b>	<b>PROPOSED ONSITE</b>
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, 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.

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

- a. **Community Planning**—This application does not conform to the recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* 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.

The Main Street model was established with the previously approved site plans for this shopping center. Ideally, the project design will help establish a multipurpose, pedestrian-oriented gathering place for a variety of trips and complementary activities that will create a destination distinguishable from the many other commercial shopping centers in the MD 5/US 301 corridor. To this end, all sidewalks leading to the main entrance to the restaurant, facing the main street, should be equally wide and continuous.

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 DSP-07076, the subject of this proposal) were approved prior to approval of the 2009 Subregion 5 Master

Plan and SMA; 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, 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) 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 (US 301). The Natural Resources Division is now known as the Environmental Planning Section, within the Countywide Planning Division.

c. **Zoning Review**—The subject application has been reviewed for conformance to the conditions of approval imposed in Special Exception SE-4697 (Brandywine CarMax) and Departure from Sign Design Standards DSDS-670 (Brandywine Crossing, Phase II). The sign package proposed by the applicant is in accordance with those approvals. Departure from Sign Design Standards DSDS-670 allows for one freestanding sign with a maximum

area of 588 square feet. The freestanding sign proposed by the applicant is shown to be 500 square feet, slightly below that permitted.

- d. **Department of Public Works and Transportation (DPW&T)**—The Department of Public Works and Transportation (DPW&T), in a memorandum dated March 30, 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.
  - 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 report as conditions of approval for this DSP.
16. 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 (TCP/II/133/91-07) and further APPROVED Detailed Site Plan DSP-07076/04 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 and loading schedule shall be revised to indicate the correct area of the integrated shopping center in all locations, and to correct the number of required and provided parking spaces.
  - b. The coversheet shall be revised to accurately state the number of parking spaces that are provided outside of the future transit right-of-way.
  - c. Revise the detailed site plan to show one U-shaped bicycle rack near the front entrance of Building Q.
  - d. Provide a more attractive terminus to the retail street by eliminating two parking spaces southeast of the crosswalk and provide additional shade trees and shrubs.

- e. The trash enclosure east of Building Q shall be integrated with the building architecture of Building Q. Details of the enclosure's appearance shall be provided.
- £ In coordination with the Transportation Planning Section and Urban Design staff, the application shall be revised to provide a walkway connection between Parcels 9 and 10. A five-foot-wide sidewalk shall be provided from the end of the walkway at the Carmax's southern property boundary near Parcel 9 to the east to join the sidewalk on the north side of the Cheddar's building, or to the south along the drive aisle at the eastern portion of Parcel 9.
- g. The south elevation of Building Q shall be redesigned to appear more like a front elevation, through the use of a stone veneer entrance feature with more architectural interest (similar to the west elevation), which may include additional building-mounted signage, as permitted by the Zoning Ordinance. Outdoor seating for the restaurant and attractive landscaping along the south of Building Q shall also be provided, if feasible. The final design shall be approved by the Urban Section as designee of the Planning Board. The final building proposal shall appear to have two fronts: one facing US 301 and one facing the retail street.
- h. The scored-concrete sidewalk detail shall extend to the main Cheddar's building entrances (along the west and south building elevations).
- i. The boundaries of a minimum ten-foot-wide sidewalk shall be indicated between Parcel 9 and Parcels 7 and 8.
- j. The architectural elevations for the proposed CarMax shall be submitted for signature approval in accordance with the updated elevations and the building materials shall be clearly labeled. The revisions provide more variation to the form, mass, and fenestration of the building and incorporate materials that are more compatible with Brandywine Crossing I and II. The specific revisions include:
  - (1) Horizontal banding with two earth tone colors and variation in masonry texture;
  - (2) White metal canopy and columns providing vertical articulation on the entrance feature;
  - (3) Blue peaked metal roof gable and towers framing the main entrance as well as blue accents on the entry features;
  - (4.) Masonry pilasters on the west and south elevations reflecting vertical elements in Phases I and II; and
  - (5) Metal canopy and storefront consistent with applications of various retailers in Phase I and II.

- k. Provide a table demonstrating total permitted building signage area as well as proposed building signage area in order to show compliance with Section 27-613 of the Zoning Ordinance.
- l. The applicant shall provide a signage location plan that indicates the locations of all proposed directional and freestanding signage for Brandywine Crossing, Phase II.
- m. All materials and colors of proposed signs shall be provided.
- n. The applicant may install additional site features specific to building Q including:
  - (1) Boulders in the landscape islands to prevent trucks from rolling over the curb;
  - (2) 18-inch-wide concrete sidewalks or stepping stones in the landscape islands for pedestrian/vehicle access; and
  - (3) Stepping stones between the sidewalk and building for hose bib access.
2. Prior to signature approval of the detailed site plan, the following information shall be provided, notes added, or revisions shall be made to the landscape plan:
  - a. The Section 4.2 schedules shall be revised to provide the required plant material as outlined in the 2010 Prince George's County Landscape Manual. The required shade trees and shrubs shall be provided; or if there is a physical site constraint that prevents provision of the required plant material, then the applicant shall submit an Alternative Compliance application for review and approval by Planning Director, prior to signature approval of the detailed site plan.
  - b. The Section 4.3-2 schedule shall be revised for Parcel 9. A nine-foot-wide planting island perpendicular to parking for every two bays has not been provided (nor is it required).
  - c. The 4.3(c) schedule and notes are no longer valid and shall be removed from Sheet L-6.
  - d. A Section 4.7 schedule shall be provided that indicates the impact category of the proposed uses and the adjacent uses. If no bufferyard is required, then that shall be indicated on the provided Section 4.7 schedule. All erroneous 4.7 notes shall be removed.
  - e. The site plan shall be revised to provide the minimum five-foot-wide parking lot perimeter landscape strip along the northern property line of Parcel 9.
  - f. Improve tree canopy coverage on the subject site to the extent feasible.





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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 Bailey, seconded by Commissioner Shoaff, with Commissioners Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioners Washington and Squire absent at its regular meeting held on Thursday, May 10, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31<sup>st</sup> day of May 2012.

Patricia Colihan Barney  
Executive Director

*Jessica Jones*  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY

*Barbara Jones*  
M-NCPPC Legal Department

Date 5/22/12