



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

PGCPB No. 12-94(A)

File No. 4-11013

A M E N D E D R E S O L U T I O N

WHEREAS, MGP LLC is the owner of a 14.62-acre parcel of land known as Tax Map 164 in Grid F-1 and is also known as Parcel 23, Lots 1-5, 8-10, and part of Outlot A, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Commercial Miscellaneous (C-M);

WHEREAS, on June 29, 2012, MGP LLC filed an application for approval of a Preliminary Plan of Subdivision for 5 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-11013 for Cadillac Crossing was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 4, 2012, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 4, 2012, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-004-12), and further APPROVED Preliminary Plan of Subdivision 4-11013, Cadillac Crossing for 5 parcels with the following conditions:

*WHEREAS, by letter dated January 13, 2017, the applicant requested a waiver and reconsideration of Findings 11 and 20, and Conditions 3, 4, 7, 22, and 25 relating to access and circulation, with specific regard to Parcels 2, 3, and 4, as referred to herein, which were consolidated and are currently known as Parcels 7 and 8, pursuant to Record Plat SJH 245-23; and

*WHEREAS, on February 2, 2017, the Planning Board approved the waiver and request for reconsideration for good cause in furtherance of substantial public interest (Rules of Procedure, Section 10(e)); and

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*WHEREAS, on May 11, 2017, the Planning Board heard testimony regarding the reconsideration.

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Add the existing liber/folio to the drawing for Parcel 23.
 - b. Revise the existing and proposed Shady Lane to Shady Avenue.
 - c. Add a note that bike racks will be provided at the time of building permit, in accordance with Condition 2 of the resolution of approval.
 - d. Dimension the public utility easement along Robert Crain Highway (US 301).
 - e. Provide a note that permits must conform to Applicant's Exhibit A for the access easement, if the site is developed using the Section 24-128(b)(9) access agreement.
 - ~~*[f. With the exception of the 24-128(b)(9) private access easement, vehicular access from Berry Street to Parcels 2 and 4 shall be denied until such time as the entrance from US 301/MD 5 onto Berry Street is permanently closed as a result of the upgrade to US 301/MD 5 to its planned freeway functionality.]~~
2. Prior to approval of building permits for each site, the permit plan shall include bicycle racks. The racks shall be located in areas that are convenient to the building entrances, while not obstructing the pedestrian zone around the buildings. The rack at each building should accommodate a minimum of five bicycles.
3. The record plat shall note a denial of access along the site's entire frontage of Robert Crain Highway/Branch Avenue (US 301/MD 5).
- ~~*[4. The final plat shall reflect that direct vehicular access to Berry Street from Parcels 2 and 4 is denied until such time as the entrance from Robert Crain Highway (US 301) onto Berry Street is permanently closed by the upgrade of US 301/MD 5 to its planned freeway functionality.]~~
- *[5] 4. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall vacate the existing Shady Avenue and Berry Street rights-of-way (Plat BB 14-7).

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- *[6] 5. At the time of final plat approval, the applicant shall dedicate to public use right-of-way of 140 feet from baseline along Robert Crain Highway/Branch Avenue (US 301/MD 5), as shown on the approved preliminary plan of subdivision.
- *[7] 6. At the time of final plat, a covenant agreement shall be prepared that establishes a private access easement serving Parcels 2, 3, and 4 (Section 24-128(b)(9)) with the access easement being delineated on the final plat. The covenant agreement shall set forth the rights, responsibilities, and restrictions and be recorded in county Land Records, and the liber/folio reflected on the final plat. The covenant agreement shall contain a termination and reverter clause, that if Parcels 2, 3, and 4 are developed as one site, the private access easement is not required and the covenant agreement self-terminates. *If the parcels are developed having adequate independent access, the covenant agreement to establish a private access easement to serve the parcels, pursuant to Section 24-128(b)(9), shall not be required.
- *[8] 7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-002-12). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-12), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
- *[9] 8. Development of this subdivision shall be in conformance with an approved Type 2 tree conservation plan. The following note shall be placed on the final plat of subdivision:
- “This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and Folio reflected on the Type 2 Tree Conservation Plan when approved.”
- *[10] 9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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“Conservation easements (PMA) described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

- *[11] 10. Prior to the approval of the final plat, the applicant shall demonstrate that all standing structures on the subject property have been documented on a Maryland Inventory of Historic Properties (MIHP) form to be reviewed and approved by the Historic Preservation Section. The MIHP form shall include floor plans and representative interior and exterior photographs of the dwellings, and exterior photographs of the outbuildings and signage.
- *[12] 11. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a variable width public utility easement to include a minimum of ten-foot -wide outside of the existing water line easement along the public right-of-way as delineated on the approved preliminary plan of subdivision.
- *[13] 12. Total development of the overall site shall be limited to uses that generate no more than 380 AM and 481 PM weekday peak-hour vehicle trips. Any development generating an impact greater than that identified herein-above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- *[14] 13. Development of this site shall be in conformance with Stormwater Management Concept Plan 9998-2012-00 and any subsequent revisions.
- *[15] 14. Residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to the approval of any building permits.
- *[16] 15. Prior to approval of any building permits for Parcel 1, the existing billboard located in the proposed road dedication for Robert Crain Highway (US 301) shall be removed.
- *[17] 16. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide an executed agreement with the owner of Lot 7 (Plat BB 14-7) for the conveyance of Outlot A. If an agreement cannot be reached, Outlot A shall be dedicated to public use as part of Shady Avenue.
- *[18] 17. At the time of final plat approval, the applicant and the applicant's heirs, successor, and/or assignees shall dedicate 60-foot-wide rights-of-way for Shady Avenue and Berry Street in accordance with the approved preliminary plan of subdivision.

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- *[19] 18. Prior to approval of building permits, in conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. A standard sidewalk along the subject site's entire frontage of Albert Road, unless modified by the Department of Public Works and Transportation (DPW&T).
 - b. One sidewalk or designated walkway through the parking lot in front of the proposed medical office building on Parcels 2, 3, and 4; if Parcel 2 is developed independently of Parcels 3 and 4, as separate pad sites, this walkway will not be required.
 - c. Marked crosswalks at the following locations, subject to the approval of the Department of Public Works and transportation for any crosswalks in public rights-of-way:
 - (1) All ingress/egress points into parking lots,
 - (2) The intersection with Albert Road,
 - (3) Between the proposed restaurant (Parcel 1) and hotel (Parcel 5), and
 - (4) In front of the proposed medical office building (Parcel 2).
 - e. Provide Americans with Disabilities Act (ADA) curb cuts and ramps at all appropriate sidewalk locations, subject to the approval of the Department of Public Works and Transportation for any crosswalks in public rights-of-way.
 - f. Provide sidewalks along the internal public streets, subject to the approval of the Department of Public Works and Transportation.
- *[20] 19. An automatic fire suppressing system shall be provided in all new buildings proposed on property unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
- *[21] 20. Prior to approval of building or construction permits for the Parcels and the public streets containing the facilities described below, the applicant shall demonstrate that:
- a. The existing shallow well in front of the brick structure serving as the office for the vehicle sales lot has been backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller, or as witnessed by a representative from the Health Department.

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- b. The septic tank at the rear of the brick structure serving as the office for the vehicle sales lot shall be pumped out by a licensed scavenger as necessary and either removed or backfilled in place.
- c. The existing deep-drilled well inside the block well house building northwest of the motel office must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller.

*[22] 21. Prior to the construction of Berry Street, the following road improvements at the Robert Crain Highway/Branch Avenue (US 301/MD 5) and Berry Street intersection shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Prior to the issuance of an access permit for the construction of Berry Street onto US 301/MD 5, the applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (SHA) for signalization at the intersection of US 301/MD 5 and Berry Street. If the traffic signal is approved and required by SHA, the proposed signal should have the following characteristics, unless modified by the SHA:

- (1) The use of a ~~*[half-signal that stops southbound US 301/MD 5 traffic and allows left turns from northbound US 301/MD 5]~~ full signal designed to SHA standards. The timing of the installation of the signal during the build-out of the project is to be determined by SHA.
- (2) Coordination of the red phase of this new signal with the red phase of the nearby signal to the north at Matapeake Business Drive to ensure that red signal times are not increased along southbound US 301/MD 5.

~~*[b. On the Berry Street approach, provision of channelization to restrict left turns to northbound US 301/MD 5, unless modified by the SHA.]~~

~~*[c. Modification of the median accordingly to restrict left turns from Berry Street onto northbound US 301/MD 5, and as needed to support the half-signal operation, unless modified by the SHA.]~~

*[23] 22. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the

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formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along Robert Crain Highway/Branch Avenue (US 301/MD 5) between the Timothy Branch stream valley (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

A fee calculated as $\$1.24 \text{ per gross square foot of space } X \text{ (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis. Prior to approval of any building permit(s), the applicant shall provide written evidence to The Maryland-National Capital Park and Planning Commission (M-NCPPC) that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen Robert Crain Highway/Branch Avenue (US 301/MD 5) from a four-lane road to a six-lane road beginning at the Timothy Branch (T.B.) stream valley (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved Maryland State Highway Administration (SHA) plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by the Department of Public Works and Transportation (DPW&T).
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of Brandywine Road (MD 381).
- e. Reconstruct the traffic signal at US 301/MD 381.

- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/MD 381.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5/A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

*[24] 23. The following note shall be placed on the final plat of subdivision:

“Development of this site shall be subject to the use of full cut-off optic light fixtures.”

*[25] 24. At the time of building permits, if the site is being developed with the need for the private access easement to serve Parcels 2, 3, and 4, the permit shall be in conformance with Applicant's Exhibit A. If the site is developed without the need for the private access easement (as one site *or each lot having adequate independent access), the need for conformance to Applicant's Exhibit A is not required.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of the Land Use Article of the Annotated Code of Maryland.

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2. **Overview**—The subject site is located on Tax Map 164 in Grid F-1 and is known as Parcel 23, Lots 1–5, 8–10, and part of an outlot. The property consists of 14.62 acres within the Commercial Miscellaneous (C-M) Zone. The site is currently improved with a motel, vehicle sales lot, and outbuildings for a total of 18,686 square feet of gross floor area (GFA). All structures are proposed to be razed. There is an existing billboard within the proposed road dedication which has an approved Special Exception, SE-3300. The applicant and the preliminary plan of subdivision indicated that the billboard will be removed. Parcel 23 is a deed parcel and has never been the subject of a preliminary plan of subdivision. Lots 1–5, 8–10, and part of Outlot A were recorded in the Prince George's County Land Records in Plat Book BB 14-7 on June 5, 1947. The applicant proposed to subdivide the site into five parcels and one outparcel for hotel, medical offices, and restaurant uses for a total of 171,000 square feet of GFA. Proposed Outparcel A is intended to be conveyed to the adjacent owner of Lot 7 as part of a potential land swap agreement to connect the 10-foot-wide public utility easement along Shady Avenue. If an agreement cannot be made by the applicant and the owner of Lot 7, Outparcel A should be dedicated to public use as part of the proposed Shady Avenue.
3. **Setting**—The property is located on the west side of Robert Crain Highway (US 301), south of its intersection with Albert Road.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	Motel/Vehicle Sales Lot (18,686 sq. ft.)	Hotel/Medical Offices/ Restaurant (171,000 sq. ft.)
Acreage	14.62	13.56
Lots	8	0
Outlots	1	1
Parcels	1	5
Dwelling Units	N/A	N/A
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 20, 2012.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within the Developing Tier and within a designated Corridor policy area. The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The preliminary plan is consistent with the 2002 General Plan Development Pattern policies that recommend retail and service land uses, and contains a mix of uses that are more community-oriented in scope.

The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan SMA) classified the property in the C-M Zone. The preliminary plan conforms to the land use recommendations of the approved master plan for commercial land use.

Within the Brandywine Community Center, this master plan strives to establish a core area located east of Robert Crain Highway (US 301) and north and east of the subject property. This core area should be accessible from the surrounding areas by foot, bicycle, and public transit. The proposed development is just beyond the edge of the Brandywine Community Center and within a designated corridor. New development at this location should respond to the master plan objectives by increasing the walking and biking facilities leading to and from the Center. Whereas the proposed land uses conform to the commercial land use types depicted on the Subregion 5 Master Plan's Future Land Use Map, the general suburban character and lack of pedestrian or bicycle amenities could be offset by providing sidewalks and bicycle parking facilities on-site to meet the planning objectives for the Branch Avenue (MD 5) corridor. When residentially-zoned properties to the west are developed, residents should be able to walk or bike to this commercial area as well as to points farther north along General Lafayette Boulevard that will, in the future, connect this area to the core of the Brandywine Community Center. Sidewalks and trails throughout the surrounding community are recommended in the Master Plan in order that the area becomes a community for pedestrians, bicyclists, and transit riders, in addition to motorists and passengers. It was suggested that bicycle racks be provided at strategic locations within the proposed development to encourage bicycling throughout the area, and that sidewalks are provided on both sides of the public streets and along the west side of the access easement serving Parcels 2, 3, and 4 in accordance with Applicant's Exhibit A.

The existing billboard south of the intersection of US 301 and Albert Drive is to be removed coincident with this development. The billboard may obstruct the view of the commercial development and is not in keeping with policies for development in the US 301/MD 5 corridor.

Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of the current Prince George's County General Plan Growth Policy Update.

6. **Urban Design**—The site is currently developed with the Cadillac Motel, a used car lot, and two one-story brick buildings, and proposed 171,000 square-feet of hotel, restaurant, and medical office development on five proposed parcels.

2010 Prince George's County Landscape Manual

Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering within all commercial zones shall be provided in accordance with the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The following sections of the Landscape Manual will apply to future building and fine grading permits for the proposed development.

- **Section 4.2, Requirements for Landscaped Strips along Streets:** The site will be subject to Section 4.2 which 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.
- **Section 4.3, Parking Lot Requirements:** As new parking lots will be proposed to serve the eating and drinking establishment without drive-through, hotel, and medical clinic/office, the site will be subject to Section 4.3.
- **Section 4.4, Screening Requirements:** Dumpster, loading, and mechanical areas are required to be screened in accordance with Section 4.4.
- **Section 4.7, Buffering Incompatible Uses:** The development will be subject to Section 4.7. The proposed hotel, medical office, and sit-down restaurant are categorized as medium impact uses. The properties to the west of the site are zoned Rural Residential (R-R) and most have been developed with single-family detached houses. A Type C bufferyard is required inclusive of a 40-foot-wide building setback and a 30-foot-wide landscape yard. The Type 1 Tree Conservation Plan (TCP1-004-12) currently delineates a Type D bufferyard along the western property line, which is more than the minimum required by the Landscape Manual; the increased depth will, however, allow for the establishment of forest conservation areas in the bufferyard.
- **Section 4.9, Sustainable Landscape Requirements:** The site will be subject to Section 4.9, which contains percentage requirements for native plantings.

Compliance with the above requirements will be reviewed at the time of permit review.

Conformance with the Zoning Ordinance

In the C-M Zone, the uses proposed (eating and drinking establishment without drive-through service, hotel, and medical clinic/office) are all permitted by-right in accordance with Section 27-461 of the Zoning Ordinance. The proposed parcels for commercial development appear to be sufficient in size to meet all setback requirements for the C-M Zone in accordance with Section 27-462 of the Zoning Ordinance. The Zoning Ordinance does not require a minimum lot size in the C-M Zone for the uses proposed.

Conformance with the Tree Canopy Coverage Ordinance

The proposed development is subject to the requirements of the Tree Canopy Coverage Ordinance at the time of building and fine grading permit. For this property in the C-M Zone, a minimum of ten percent of the site should be covered by tree canopy. The applicant should provide tree canopy coverage information and show conformance at the time of permit review.

7. **Environmental**—A Type 1 Tree Conservation Plan (TCP1-004-12) was received and reviewed. A Natural Resources Inventory (NRI-046-11) was approved for this site on March 12, 2012 and was submitted with this application.

Master Plan Conformance

The master plan for this area is the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan SMA). The Environmental Infrastructure section of the Subregion 5 Master Plan SMA contains goals, policies, and strategies. The following guidelines were determined to be applicable to the current project. The text in **BOLD** is the relevant text from the Master Plan and the plain text provides comments on plan conformance:

Green Infrastructure:

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The project site is located adjacent to the Timothy Branch stream valley to the south, which flows into Mattawoman Creek, a designated primary corridor. The site contains regulated environmental features such as wetlands and stream and their associated buffers, and the 100-year floodplain associated with Timothy Branch that extends onto the subject site. These environmental features have a high priority for preservation along with adjacent woodlands. This corridor requires protection to prevent stormwater pollution from affecting the wetlands and waterways associated with this priority watershed. The site is not within a special conservation area. The environmental features on the site are evaluated in the Environmental Review section of this report.

Water Quality, Stormwater Management, Groundwater:

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

- **Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

This proposal is for a redevelopment project of several developed commercial sites; however, the site contains areas that are also undeveloped. The stormwater management (SWM) design is required to be reviewed and approved by the Department of Public Works and Transportation (DPW&T) to address surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code of the Prince George's County Code, which requires that environmental site design be implemented to the maximum extent practicable. The site has an approved SWM concept plan.

The Stormwater Management Concept plan and letter (9998-2012-00) submitted with the subject application shows the use of seven submerged gravel wetlands, five pretreatment bays, and two micro-bioretenion ponds for infiltration purposes which are shown on the tree conservation plan (TCP). No outfall structures are shown for these facilities. The stormwater infiltrates into the pond's substrate and any overflow volume is then directed to a piped system towards Crain Highway (US 301) and then a roadside outfall into Timothy Branch.

Forest preservation within the primary management area (PMA) is shown on the TCP1 in areas that are adjacent to wetlands and wetland buffer areas. These preservation areas will help to maintain and restore water quality controls before water enters the environmentally-sensitive areas.

The site has an area of wetlands that extends on-site at the southern boundary and an adjacent stream in the southern portion of the property. These areas will be protected through the development review process. The adjacent stream system to the south, Timothy Branch, is not considered Tier II waters and has no time of year restrictions on development enforced by the Maryland Department of the Environment (MDE).

The approved stormwater concept proposes to address water quality issues on-site. According to the submitted TCP1 and SWM concept plan, no impacts are proposed to wetlands and/or wetland buffers for the proposed development on or off-site.

Chesapeake Bay Critical Area:

- **Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay critical area.

LEED:

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

Any development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible. However, a detailed site plan is not required for the uses proposed and was not recommended.

Noise Intrusion:

- **Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.**

The project proposed to construct a medical office building, a hotel, and a restaurant. These uses will generate noise from added vehicular traffic. The site is bounded on the east by Robert Crain Highway (US 301); the south boundary is adjacent to vacant woodlands; the west by residential single-family lots and woodlands; and the north by commercial businesses. The project area is located in a heavily used and growing commercial area along US 301. This road is identified as a freeway that has enough traffic to produce noise levels above 65 dBA Ldn.

No residential units are proposed; however, one residential-type use, a hotel, was proposed and should be mitigated, if necessary, from traffic related noise from US 301. According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is approximately 247 feet from the centerline of US 301 median. The submitted plan shows the location of the unmitigated 65 dBA Ldn ground-level noise contour and the hotel will not be impacted by the traffic noise generated by US 301.

The adjacent residential development to the west will be mitigated by the provision of a 40-foot-wide landscape buffer, which is required by the Landscape Manual.

No additional information is needed pertaining to noise intrusion.

Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that the property is located in regulated, evaluation, and network gap areas within the designated network of the Countywide Green Infrastructure Plan. The regulated area is located along the southern boundary of the site and is associated with Timothy Branch. The evaluation area is mapped to the north between the north side of the regulated area and Berry Street, and also within the platted right-of-way of Shady Avenue along the western property line. The network gap area is found in the remaining portions of the project area to the north of Berry Street.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains regulated, evaluation and network gap areas within the designated network, with streams, wetlands, and their associated wetland buffers, and floodplain within the regulated area being the most sensitive. The existing entrance road, parking lot, and the southern motel complex are located within the regulated area. The remaining areas of the motel complex are located within the evaluation area and the businesses north of Berry Street are in the network gap area.

The project proposes to develop a majority of the areas outside the PMA for commercial development. A small portion of the existing motel complex found in the regulated area of the Green Infrastructure Plan will be removed and converted into a submerged gravel wetland stormwater facility. The plan shows woodland preservation in the southwestern area adjacent to the PMA within the regulated area. The plan also shows small open areas within and adjacent to the PMA where additional planting is proposed.

The proposed development is in conformance with the Green Infrastructure Plan.

POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

There are wetlands, buffers, and floodplain located in the southern portion of the property. These areas should be protected from impacts which could adversely affect the natural habitat and water quality of the Timothy Branch stream system. Preservation of these features in this area will preserve the natural water quality functions and the most sensitive ecological habitat on the site to the fullest extent possible.

As previously discussed in the above section, the approved SWM concept plan shows environmental site design techniques that address surface and groundwater quality and quantity control. The facilities that are proposed for this project will infiltrate stormwater into the soil and not outfall into the adjacent PMA. Additional opportunities to preserve, protect, and enhance surface and groundwater features have been addressed by adding planting within these areas.

The proposed development is preserving, protecting, and enhancing surface and groundwater features.

POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The submitted TCP proposes on-site preservation and off-site woodland conservation. The submitted plan also shows replanting inside and outside the PMA.

The proposed TCP is in conformance with woodland conservation with regards to the Green Infrastructure Plan and the General Plan.

POLICY 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The use of environmentally-sensitive building techniques and overall energy consumption should be encouraged.

POLICY 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.

The sensitive environmental features within the green infrastructure network of this site are associated with a secondary corridor that drains to a special conservation area as identified in the Subregion 5 Master Plan. These features are shown on the TCP to be preserved and/or restored to the fullest extent possible to ensure that this site, as well as all sites within this watershed, meets the standards of the Livable Communities Initiative.

Environmental Review

An approved Natural Resources Inventory (NRI-046-11) was submitted with the review package and was approved on March 12, 2012. The NRI shows regulated environmental features on the subject property. The forest stand delineation (FSD) plan indicates the presence of three forested stands totaling 4.78 acres, and nine specimen trees on-site. The project area has regulated environmental features in the southern portion of the site. No impacts are proposed to these areas or buffers according to the TCP1.

According to the US Department of Agriculture, Natural Resource Conservation Service Web Soil Survey, the predominant soils found to occur on-site include the Croom gravelly sandy loam, Downer-Hamonton complex, Issue-Urban land complex, Potobac-Issue complex, Udorthents, and Woodstown sandy loam. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review. No further action is needed as it relates to this preliminary plan of subdivision review.

The site is part of a fragmented woodland tract that follows the Mattawoman Creek watershed. A letter from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, dated May 18, 2011 states that there are no mapped rare, threatened, or endangered species. A review of the NRI indicates that the woodland on-site does not contain forest inhabited dwelling species habitat.

The Timothy Branch stream is located off-site along the southern boundary line. The TCP shows a stream buffer of 75 feet along the entire Timothy Branch system.

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet in size, the property contains more than 10,000 square feet of woodland, and there are no previously approved tree conservation plans for the property. A Type 1 Tree Conservation Plan (TCP1-004-12) was submitted with the review package.

The subject site has a total woodland conservation requirement of 3.81 acres. The plan shows proposed clearing of 3.10 acres of the net tract and 0.07 acre of off-site woodland clearing to the north to provide a grade transition to the adjoining lots 6 and 7, DeCesaris Park.

The TCP1 proposes to meet the woodland conservation requirement with 0.75 acre of woodland preservation on the net tract, 0.73 acre of on-site plantings, 0.12 acre of natural regeneration, and 2.21 acres of off-site woodland conservation. An additional 0.89 acre within the 100-year floodplain will also be preserved on-site, but not counted towards the requirement. Small portions of the 0.73 and 0.12 acres are located within the 100-year floodplain and will be counted as meeting the woodland conservation requirement as habitat enhancement. All of the utility connections and SWM outfall locations are shown on the TCP. No specimen trees are proposed for removal.

No revisions were necessary for conformance with the Woodland and Wildlife Habitat Conservation Ordinance.

This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include a stream valley with its associated stream buffer, wetlands, and 100-year floodplain. Section 24-130(b)(5) requires that the preliminary plan and all plans associated with the subject application demonstrate "the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible." The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1, which shows no proposed impacts to regulated environmental features.

The site is located in the Developing Tier. The use of full cut-off optic light fixtures should be used to limit the amount of light pollution onto adjacent properties due to the close proximity of single-family dwellings to the west, and was recommended.

8. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, determined that on-site stormwater management (SWM) is required. A Stormwater Management Concept Plan, 9998-2012-00, was approved on June 11, 2012 and is valid until June 11, 2015. The concept plan shows the use of seven submerged gravel wetlands, five pretreatment bays, and two micro-bioretenion ponds for infiltration purposes. No outfall structures are required for these structures because they drain to a piped outfall system directed towards Crain Highway (US 301). The concept plan is based on a development layout slightly different than that shown on the TCP1. Further revisions to the SWM concept plan may be

needed, but they are not expected to be substantial or to affect the subdivision proposed. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

The approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172 Watershed Management Planning of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the SWM concept plan by DPW&T.

9. **Prince George's County Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3) of the Subdivision Regulations, the subdivision was exempt from mandatory dedication of parkland requirements because the development proposed is nonresidential.
10. **Trails**—The proposed preliminary plan was reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan) in order to implement planned trails, bikeways, and pedestrian improvements.

The Planning Board requires that preliminary plans conform to Section 24-123 of the Subdivision Regulations in terms of bikeway and pedestrian facilities when trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Planning Board finds that previously proposed trails are no longer warranted.

The MPOT and Subregion 5 Master Plan include no master plan trail recommendations on the subject site. The master plan trail proposed along the Timothy Branch stream valley is to the south of the subject application. While the MPOT shows this trail, it was determined during the review of Detailed Site Plan DSP-03046 that a US 301 trail crossing for the stream valley was not feasible or practical, and the decision was made to relocate the master plan trail in this area to the AT&T right-of-way to the west. The residential development to the west includes one approved trail in close proximity to the subject site along the existing fiber optic right-of-way to the west. However, this trail is within private homeowners association (HOA) land owned by the Rose Creek Estates HOA, and a public connection across this private land is not feasible.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developing Tier. The Trails, Bikeways, and Pedestrian Mobility chapter includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT also includes the following policy regarding pedestrian connections between and within communities.

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

County Council Bill CB-2-2012 (An Act Concerning Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors) was passed by the County Council in April 2012 and will go into effect in June 2013. The bill requires the evaluation and provision of adequate bicycle and pedestrian facilities in centers and corridors, including standard sidewalks along both sides of all new road construction, pedestrian walkways through large areas of surface parking, and bicycle and pedestrian connections to adjacent developments and facilities. Although the subject application was filed before the effective date of this act, the concepts of complete streets are still applicable to the application and are discussed below.

In keeping with the policies of the MPOT, the provision of a standard sidewalk along the subject site's frontage of Albert Road was recommended. Sidewalks were also recommended along both sides of the internal streets. Also, one sidewalk or designated walkway was recommended through the large surface parking lot immediately in front of the proposed medical office building (Parcel 2). Designated crosswalks were recommended across the internal road at the intersection with Albert Road, the ingress/egress points into internal parking lots, between the proposed restaurant and hotel, and in front of the proposed medical building. The plans should also reflect ADA (Americans with Disabilities Act) curb cuts and ramps at all locations where sidewalk intersects with ingress/egress points or intersections, which will be required by County Code.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities will exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

11. **Transportation**—The proposal includes the subdivision for a commercial development consisting of 171,000 square feet of medical office space, a hotel, and a restaurant. The table below analyzes higher and lower limits for each use and highlights the critical numbers for trip generation in each peak hour that was used for the analysis and formulating the trip cap for the site. Using trip generation rates for medical offices, hotels, and restaurants, the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," and the methodology in the *Trip Generation Handbook, 2nd Edition* (Institute of Transportation Engineers (ITE)) to compute internal trips, the following table summarizes the total trip generation for the site:

Trip Generation Summary, 4-11013, Cadillac Crossing								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Medical Office	100,000	square feet	231	54	285	122	258	380
Hotel	100	rooms	35	30	65	45	35	80
Restaurant	5,600	square feet	34	31	65	37	25	62
Less Internal Trip Capture for Overall Site			-12	-12	-24	-9	-9	-18
Less Pass-By – Restaurant (20/43 percent AM/PM)			-6	-5	-11	-14	-9	-23
Total External Trips			282	98	380	181	300	481

In reviewing all documents, it was determined that a pass-by rate of 20 percent was appropriate for the restaurant use in the AM peak hour; the trip generation suggests that the restaurant would be open for business, and if it would draw trips from the adjacent roadway during the PM peak hour, it is predictable that it would also draw trips from the adjacent roadway in the AM peak hour even though the *Trip Generation Handbook* (ITE) offers no guidance in this regard.

The traffic generated by the proposed preliminary plan will impact the following intersections, interchanges, and links in the transportation system:

- US 301/MD 5 and A-55/McKendree Road (signalized)
- US 301/MD 5 and Berry Street (unsignalized)
- US 301/MD 5 and Matapeake Business Drive (signalized)

The proposal is of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was required and submitted by the applicant. The study is dated June 2012 and this document was referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA were received. The findings outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," also termed Transportation Guidelines.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property was evaluated according to the following standards:

- **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation Guidelines.

- Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board recommends that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

It should be noted that the US 301/MD 5 and Berry Street intersection exists today as a driveway to serve uses on the subject property. With the redevelopment of this property under the current proposal, the existing uses will be phased out. Therefore, that intersection was not studied as a current intersection because none of the current turning movements will remain once the subdivision proposal is in place.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in June 2012 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and A-55/McKendree Road	1,138	1,786	B	F
US 301/MD 5 and Berry Street	future			
US 301/MD 5 and Matapeake Business Drive	959	1,547	A	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Transportation Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 1.0 percent annual growth rate in through traffic along US 301 and MD 5 for four years. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and A-55/McKendree Road	1,643	2,436	F	F
US 301/MD 5 and Berry Street	future			
US 301/MD 5 and Matapeake Business Drive	1,256	2,180	C	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Transportation Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Transportation Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and A-55/McKendree Road	1,738	2,476	F	F
US 301/MD 5 and Berry Street	293*	280*	--	--
US 301/MD 5 and Matapeake Business Drive	1,275	2,243	C	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Transportation Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It was found that all three of the critical intersections operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposed the following:

At the US 301/MD 5 and Berry Street intersection, the following were recommended:

- a. Study of signalization, with the installation of a *~~half signal that stops southbound US 301/MD 5 if deemed warranted by SHA, to allow left turns from northbound US 301/MD 5~~ full signal, if deemed warranted by SHA. It was further recommended that

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the red phase of this new signal be coordinated with the red phase of the nearby signal to the north at Matapeake Business Drive to ensure that red signal times are not increased along southbound US 301/MD 5.

- *[b. ~~On the Berry Street approach, provide channelization to restrict left turns to northbound US 301/MD 5.~~]
- *[e. ~~Modify the median accordingly to restrict left turns from Berry Street onto northbound US 301/MD 5, and as needed to support the half-signal operation.~~]
- *[d] b. With the above improvements in place, the US 301/MD 5 and Berry Street intersection would operate at *[~~LOS B, with a CLV of 1,107~~] LOS F, with a CLV of 1,774 in the AM peak hour, and at *[~~LOS F, with a CLV of 2,171~~] LOS F, with a CLV of 2,247 in the PM peak hour.

As a means of addressing the failing operating conditions along the link that includes the intersections of US 301/MD 5 and Matapeake Business Drive, Berry Street, and A-55/McKendree Road, the traffic study indicated that contributions would be made to the Brandywine Road Club. With regard to the Brandywine Road Club, the following were noted:

- a. County Council Resolution CR-61-2011 states that “applications for development projects located entirely within a Mixed Use, Commercial, Industrial, or Employment and Institutional Area (“E-I-A”) Zone, or combination thereof, may use the Brandywine Road Club as a means for satisfying the requirements of Section 24-124 of the Prince George’s County Code.” It is confirmed that the subject site is entirely within a commercial zone, and therefore CR-61-2011 authorizes the use of the Brandywine Road Club as a means of satisfying the adequacy requirement of Subtitle 24 of the Prince George’s County Code.
- b. It is recognized that the Brandywine Road Club poses an issue of concurrency in approving development. Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1990, many properties have been approved with a condition to pay funds toward a Brandywine Road Club.
- c. The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* was approved by means of Council Resolution CR-60-1993. As a part of that resolution, Zoning Map Amendment A-9878 for

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Brandywine Village was approved with conditions that allowed this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the 1993 Council Resolution (it is noted, however, that Council Resolutions CR-33-2011 and CR-61-2011*, as subsequently superseded by CR-9-2017, restricted participation in the road club; while the subject site is clearly allowed to use the road club based on its zoning category, other properties within the same geographic area may be restricted from its use).

- d. The Brandywine Road Club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

The road club fees have been established through procedures contained in past approvals, and are summarized below:

- a. For the commercial space, a rate of \$1.24 per square foot of gross floor area has been used for sites in this immediate area that do not have full A-63 construction requirements. This is consistent with the Brandywine Village retail developments (Preliminary Plans of Subdivision 4-04112 and 4-05130) and 301 Commercial Center (Preliminary Plan of Subdivision 4-06142).

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the Brandywine Road Club as a means, in part, of finding adequacy for this site was acceptable. It was determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area as proffered and described above are constructed and there is participation in the Brandywine Road Club.

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DPW&T and SHA

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and the agencies raised several issues that require discussion below. As a point of clarification, the SHA referral suggests that the applicant is attempting to mitigate the trips generated; however, the traffic study is not proposing mitigation as described in Section 24-124 of the Subdivision Regulations.

DPW&T Comments:

- a. DPW&T noted that the applicant must pay into the Brandywine Road Club as a part of the adequacy requirements in this area. This will be accomplished through a condition.
- b. DPW&T stated that it is unclear whether the two access points to the existing motel south of Berry Road are to remain. It is noted that the two existing access points to the existing motel will remain in place until the lot containing the motel is redeveloped. At that time, the private driveways onto US 301 would be closed and all access would be to US 301/MD 5 via Berry Street and Albert Road.
- c. DPW&T noted that the number of access points onto US 301/MD 5 should be limited, and since this facility is under the jurisdiction of SHA, they will make the final decision regarding access.
- d. DPW&T suggested that if the requested access to US 301/MD 5 is approved by SHA, the auxiliary lane should be extended to provide space for acceleration before entering the mainline traffic. While it is anticipated that the auxiliary lane would extend to the southern limit of the property frontage along US 301/MD 5, SHA will make the final decision regarding the length of the auxiliary lane.

SHA Comments:

- a. SHA noted that in Exhibit 2 of the traffic study, the existing lane configurations at the Berry Street intersection show a southbound left-turn movement. SHA also notes that this southbound left-turn movement count is not shown in counts or otherwise analyzed. However, the southbound left turn is actually a U-turn and it does not currently serve any traffic or land uses, and will not in the future.
- b. SHA suggested that, given the nature of the development, it may have been useful to conduct weekend traffic counts and provide analyses for the weekend peak period. As a means of responding to the comment, there is no data to suggest that weekend peak hours are more critical than weekday peak hours. Also, the nature of the use is not oriented toward weekend traffic. While hotels and restaurants have similar trip generation on weekends and weekdays, the Saturday daily trip generation for a medical office building is less than one-quarter of the daily trip generation for a weekday. For these reasons, the Transportation Guidelines offer no rationale for including a weekend analysis.

- c. SHA requested verification of the number of through lanes along US 301/MD 5. This was verified; the lane use shown in the traffic study is correct.
- d. The SHA referral requested that improvements, not a contribution to the Brandywine Road Club, should be recommended at the US 301/MD 5 intersections with McKendree Road and Matapeake Business Drive. However, the Prince George's County Council established the Brandywine Road Club in the early 1990s as a means of satisfying Section 24-124 of the Subdivision Regulations. The road club was created, in part, because more than 90 percent of the traffic on US 301/MD 5 is regional traffic. As recently as 2011 with Council Resolution CR-61-2011, the County Council has endorsed the continued use of the Brandywine Road Club for commercially-zoned properties (this site is zoned C-M) as a means of satisfying the requirements of Section 24-124.
- e. Although SHA does not support a road club contribution in lieu of specific improvements, SHA advised that, if the developer wishes to make a road club contribution in addition to improvements, the exact amount of that contribution should be noted in the traffic study. It is noted that this requirement has not been asked of other applicants in the area, and staff recommended, by means of a condition, a fair and appropriate unit number for a road club contribution that was consistent with other nearby approvals.
- f. The report made recommendations, including a half signal at US 301/MD 5 and Berry Street under full build conditions. SHA recommended that the traffic study be revised to include a full signal warrant study. Within the scope of the Planning Board review, it was determined that the scope of the improvements proposed by the applicant provide adequate transportation facilities. The applicant received a condition to perform the traffic signal warrant study to the specifications of SHA, and therefore it was not necessary to revise the study.
- g. SHA requested a schematic for all improvements. Since the traffic study recommendations must be translated into written conditions, the provision of an accurate written recommendation is deemed to be superior to a schematic, and was acceptable.
- h. SHA requested clarification of an arcane note on the US 301/MD 5 and Matapeake Business Drive counts. It was confirmed with the applicant that the subject intersection plus an adjacent intersection to the north were counted on the same date, and that the southbound flows from the second intersection were used to determine flows at the subject intersection. Because there are no streets or driveways between the two intersections, this method was deemed to be acceptable.

- *i. The SHA comments above were based on SHA's review of the original traffic impact study. Additional studies have been provided to SHA and these issues have been resolved. In addition, SHA has issued an approval of a full-movement traffic signal at US 301 and Cadillac Drive.

The property has 685.51 feet of frontage on US 301/MD 5, a master plan freeway. With regard to the master plan for the site, the site is affected by the F-9 facility (the plan designation for the existing US 301/MD 5 roadway). F-9 is a planned freeway facility within a 300-foot-wide right-of-way. The applicant demonstrated adequate right-of-way dedication of 140 feet from the baseline of the existing roadway. This was adequate and consistent with other dedications along this section of F-9.

The *Approved Subregion 5 Master Plan and Sectional Map Amendment* reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. The facility has a typical section requiring 70 feet from edge of roadway, as noted in the August 2010 report for the *Southern Maryland Transit Corridor Preservation Study* (Maryland Transit Administration). This right-of-way is adjacent to and parallel to US 301/MD 5 along the east side of US 301/MD 5. Therefore, it was determined that this future transit facility has no impact on this site.

Access has been a significant issue in the review of this property, as was the determination of whether the roadways internal to the site should be public or private. There was also a proposed vacation of Berry Street (Vacation Petition V-11002, proposing the vacation of Berry Street and Shady Avenue within the De Cesaris Park) which was approved. In the process of reviewing the subdivision, the following was determined:

- a. The vacation of Berry Street was supported. Within the eastern half of the property, a 60-foot dedication of Berry Street is incorporated into the plan.
- b. The vacation of Shady Avenue in its current location was supported. About half way between the southern half of the property and Albert Road, a new 60-foot-wide right-of-way for Shady Avenue will be dedicated.
- c. The use of public streets to serve Parcels 1 and 5 is consistent with the access requirements of Subtitle 24. ~~*[The sole allowance for private roadways or easements in the C-M Zone, where direct vehicular access to a public street should be denied due to a potentially hazardous or dangerous traffic situation, is used to serve proposed Parcel 3 with an easement established pursuant to Section 24-128(b)(9) of the Subdivision Regulations.]~~ It was recommended that ~~*[outside of the limits of the easement along Berry Street, access be denied so that]~~ access to Parcels 2, 3, and 4 can be ~~*[consolidated into the single]~~ provided by an easement. ~~*[The consolidation of access would prevent the~~

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~~safety issues associated with driveways that are physically close together. It would also completely eliminate the possibility of left turns along Berry Street east of the easement; such left turns could become a potential safety issue.]~~ The *[consolidated] access along the easement will become a visual extension of Shady Avenue (Applicant's Exhibit A), thereby enhancing the overall development.

- d. It is understood that DPW&T conceptually approved a revised cross-section for Shady Avenue and Berry Street within the dedicated right-of-way with sidewalks, street lights, and street trees, which included a reduction in right-of-way dedication, as shown on the preliminary plan, and a reduction in paving width. It is likely that a maintenance agreement will be negotiated between the applicant and DPW&T as part of the street construction permit process.
- e. Because Berry Street is being maintained as a public street and not a private road, easement, or driveway, no variation from Section 24-121(a)(3) of the Subdivision Regulations for access was needed. The layout of the subdivision is consistent with the planning and design requirements of Subtitle 24.
- f. Notwithstanding that Berry Street is a public street, it connects to US 301/MD 5. This roadway, as noted above, is a planned freeway that operates today with expressway-type speeds and traffic volumes. This section of US 301/MD 5 has the highest average daily traffic of any non-freeway traffic link in the state of Maryland. It was recognized that Berry Street will have to be closed in the future. ~~*[The applicant agreed to a condition that allows use of Berry Street for access until such time that Berry Street is closed by SHA with the upgrade to US 301/MD 5. After closure, Berry Street could be retained for access to Parcels 1 and 2, or it could be vacated and removed at the applicant's option.]~~

Driveway access is denied along the entire frontage of the site with US 301/MD 5.

***Background for Reconsideration**

The applicant has requested a reconsideration of conditions and findings of the preliminary plan of subdivision (PPS) approval (PGCPB Resolution No. 12-94) related to access and circulation. Based on the applicant's letter dated January 13, 2017, SHA has "determined it appropriate to keep the direct connection of Cadillac Drive onto US 301/MD 5." The review of the PPS in 2012 was based on that connection being closed, and conditions and findings of the original approval are predicated on that assumption. Therefore, the approval conflicts with the recent findings and recommendations of SHA, placing the applicant in a position where they are unable to move

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forward with the development of the property, as approved and conditioned by the PPS. Precisely, the applicant has requested a reconsideration of Conditions 3, 4, 7, 22, and 25, along with related Findings 11 and 20.

*The PPS contemplated a half-signal at US 301/MD 5 and an easement extension of Shady Avenue to serve three parcels. Since that plan has been approved, the following have occurred:

- *a. The applicant prepared a revised traffic study and a traffic signal warrant study for SHA. The traffic signal warrant study examined multiple scenarios for the US 301/MD 5 and Berry Street (now known as Cadillac Drive) intersection.
- *b. By the attached letter dated September 19, 2016 (Young to Lenhart), SHA indicated "support of a full movement traffic signal at the Berry St. (site access) location."
- *c. The applicant prepared an analysis (attached) of a proposed Lidl store on the site to demonstrate that the store by itself would warrant signalization of the US 301/MD 5 and Berry Street intersection, and to establish that the signal could be operational with the opening of the store.
- *d. By the attached letter dated December 22, 2016 (Young to Lenhart), SHA indicated that "the signal turn-on may coincide with the grocery store opening."
- *e. Subsequently, Detailed Site Plan DSP-16035 was submitted for the grocery store described above. The site plan is drawn around a revised lot layout. This layout was approved as a lot line adjustment, pursuant to Section 24-108(a)(3) of the Subdivision Regulations, and was recorded in Land Records in July 2016. The site plan also shows a full-movement access from Cadillac Drive to US 301/MD 5 and direct access from Cadillac Drive to Parcel 7.

*Based on the review of all materials, the elements of the reconsideration are approved.

- *a. Sufficient evidence has been provided to indicate that a full-movement access, with signalization at Cadillac Drive and US 301/MD 5, is satisfactory to SHA. Condition 22 should be modified pursuant to this determination.
- *b. Within the findings of the resolution, the future level of service under total traffic conditions would be LOS F with a CLV of 1,774 in the AM peak hour, and LOS F with a CLV of 2,247 in the PM peak hour. As a point of comparison, PM service levels are similar for the half-signal that the Planning Board originally considered in their approval

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at this location, and the service levels in each peak hour for the full signal are similar to the results reported in the resolution for the two adjacent signals northbound and southbound. In accordance with findings in the resolution, adequacy is found with participation in the Brandywine Road Club.

- *c. In reviewing the original PPS, an easement extension of Shady Avenue was a significant feature of access within the site. Access onto Parcels 2, 3, and 4 was to be consolidated onto this easement. With the revised lot layout, all parcels have public street access onto Cadillac Drive (the lot line adjustment plat also re-labeled Shady Avenue as Cadillac Drive). Therefore, the use of the easement is limited to Parcels 7 and 8. Condition 25 must be revised to show this change. Also, Condition 7 shall be similarly modified.
- *d. Condition 3, which requires the denial of access along the site's entire frontage of US 301/MD 5, does not require modification and should remain in place. The denial of access would not apply to a dedicated public street. The denial of access along the site's frontage is correctly reflected on the plat.
- *e. Direct access from Cadillac Drive to Parcel 7 is acceptable. Originally, access to the three parcels south of Berry Street (now Cadillac Drive) was done for design reasons. With less emphasis on the easement to serve development on what are now two parcels, there is no reason to restrict access onto Cadillac Drive. Safety was never an issue, as access to Parcel 1, directly to the north of Cadillac Drive, was not restricted in the approval of the PPS. Conditions 1(f) and 4 should be deleted in their entirety.
- *f. Notwithstanding the deletion of Conditions 1(f) and 4, it must be noted that US 301/MD 5 remains as a freeway facility on the 2009 *Approved Countywide Master Plan of Transportation*. The findings shall continue to represent that the closure of Cadillac Drive at US 301/MD 5 is a very real future possibility, but not an imminent one. The upgrade of US 301/MD 5 is not in design at this time, although this section is nominally included in SHA project planning.

Transportation Conclusions

*[Based on the preceding findings, it was determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.] Pursuant to the reconsideration of 4-11013, modifications to the findings and conditions of PGCPB Resolution No. 12-94 are approved. In making the modifications, it is found that adequate transportation facilities will exist to serve the proposed development, as required under Section 24-124 of the Subdivision Regulations.

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12. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (CR-23-2001 and CR-38-2002), and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
13. **Fire and Rescue**—The proposed preliminary plan of subdivision was reviewed for adequacy of fire and rescue services in accordance with Subdivision Regulations, Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E), and the following was found:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
40	Brandywine	Engine	14201 Brandywine Road	3.73	3.25	Beyond
25	Clinton	Ladder Truck	9025 Woodyard Road	8.60	4.25	Beyond
40	Brandywine	Ambulance	14201 Brandywine Road	3.73	4.25	Within
47	Brandywine	Paramedic	14201 Brandywine Road	3.73	7.25	Within

Capital Improvement Program (CIP)

The Prince George’s County Capital Improvement Program (CIP) for Fiscal Years 2012–2017 proposed replacing the existing Brandywine station with a new four-bay Fire/EMS station.

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

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

14. **Police Facilities**—The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

16. **Health Department**—The Prince George's County Health Department evaluated the proposed preliminary plan of subdivision and had the following comments to offer:
 - a. The existing shallow well in front of the brick structure serving as the office for the vehicle sales lot must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller, or as witnessed by a representative from the Health Department, prior to approval of any grading permits.
 - b. The septic tank at the rear of the brick structure serving as the office for the vehicle sales lot must be pumped out by a licensed scavenger as necessary and either removed or backfilled in place prior to issuance of any grading permits.
 - c. Review of the Environmental Consultant's and Contractors Inc. July 14, 2011 Phase I Environmental Site Assessment report for the subject property adequately addressed the Health Department's concerns regarding the history of the vehicle sales lot.
 - d. The existing deep-drilled well inside the block well house building northwest of the motel office must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller prior to the approval of any grading permits.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider will include the following statement in the owner's dedication recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

An existing 30-foot-wide water line easement is adjacent to and crosses over the proposed property line along the Robert Crain Highway (US 301) frontage. Ten feet is required to be free and clear of any other easements and extend to the right-of-way. The preliminary plan of subdivision correctly delineated an area ranging from 14 to 19 feet wide which is enough space to accommodate the ten-foot-wide public utility easement (PUE) and the existing water line easement along the public rights-of-way as requested by the utility companies.
18. **Historic**—A Phase I archeological survey was not recommended on the above-referenced 14.62-acre property located at the intersection of Robert Crain Highway (US 301) and Albert Road in Brandywine, Maryland. The application proposed to subdivide the existing property into five parcels. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.

The subject property has been previously developed with the Cadillac Motel, which was constructed in about 1965 and a vehicle sales lot. The office of the vehicle sales lot is located in a 1950s ranch house on what is currently Lot 3 of the DeCesaris Park subdivision. Since both of these building are over 50 years old, they will be documented on a Maryland Inventory of Historic Properties (MIHP) form prior to their demolition. The document should include floor plans and representative interior and exterior photographs, including the distinctive mid-twentieth century neon Cadillac Motel sign. The applicant was encouraged to work with Historic Preservation staff to determine if the sign can be salvaged, sold, or donated to a party interested in its reuse rather than be destroyed. This proposal does not impact any historic sites, historic resources, or documented properties.

19. **Residential Conversion**—The subject application did not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is required. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision.
20. **Applicant's Exhibit A**—The applicant submitted an illustrative exhibit demonstrating the paving width, street trees, a sidewalk, and street lighting for the Section 24-128(b)(9) access easement. At the time of building permits, if the site is being developed with the need for the access easement to serve Parcels 2, 3, and 4, the permit shall be in conformance with Applicant's Exhibit A. If the site is developed without the need for the access easement (as one site *or each lot having adequate independent access), the need for conformance to the exhibit is no longer necessary.

These additional trees, sidewalks, and lighting along the easement serving Parcels 2, 3, and 4 will provide a visual extension of Shady Avenue, and provide a better visual path to the access for Parcel 3 to the rear of the property than a standard driveway would provide. The landscaping proposed with this exhibit is not intended to conflict with or be duplicative of any landscaping required by the Landscape Manual, at the time of permit review. The landscape required with Applicant's Exhibit A may be counted towards the landscaping required by the Landscape Manual.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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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 Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 4, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of October 2012.

*This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to access and circulation on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 11, 2017, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period of the preliminary plan of subdivision.

*Adopted by the Prince George's County Planning Board this 11th day of May 2017.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

5/12/17

Patricia Colihan Barney
Executive Director

By

Jessica Jones
Planning Board Administrator

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