



PGCPB No. 13-58

File No. CDP-1201

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 30, 2013, regarding Comprehensive Design Plan CDP-1201 for Brandywine Village the Planning Board finds:

1. **Request:** The application is for approval of a mixed-use development consisting of 218,500 square feet of retail, general office, and medical office space and 191 single-family attached (townhouse) units.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	APPROVED
Zone	L-A-C	L-A-C
Use(s)	Residential, Retail/Office	Residential, Retail/Office
Acreage	44.33	44.33
of which Residential Section	20.28	20.28
Commercial Section	24.05	24.05
Dwelling Units—Single-Family Attached	162-245	191
Commercial/Retail Uses (GFA in square feet)	167,619–324,761	218,500

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Robert Crain Highway (US 301) and Chadds Ford Drive, east of General Lafayette Boulevard. The property is also in Planning Area 85A, Council District 9, and in the Developing Tier of the county.
4. **Surrounding Uses:** The site is bounded to the north by undeveloped land in the Rural Residential (R-R) Zone and a master plan arterial roadway, A-55; to the east by the right-of-way of Robert Crain Highway (US 301), on the other side of which is the Brandywine Shopping Center in the Commercial Shopping Center (C-S-C) Zone; to the south by the right-of-way of Chadds Ford Drive, beyond which are properties in the Residential Medium Development (R-M) Zone; and to the east by the right-of-way of General Lafayette Boulevard, beyond which are subdivisions in the R-M Zone, developed with townhouses and small-lot single-family detached houses.
5. **Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the

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District Council adopted County Council Resolution CR-108-1977 for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the R-M Zone (A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres of M-A-C. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, 85B* (Subregion V Master Plan and SMA). Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned Local Activity Center (L-A-C), and 149 acres were zoned R-M (via CR-60-1993). The property subject to this application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones based upon proposed road networks that were later revised. A CDP was approved in January 1993 for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property. On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision 4-96083 to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. Comprehensive Design Plan CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone and the remaining acreage, including the property included in this application, was intended for future development. On January 12, 2009, the District Council approved Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of the two zoning map amendments covering the two parts of the subject site, previous approved zoning map amendments and CDPs are no longer valid. The subject CDP was filed in accordance with the requirements of the comprehensive design zones. A new Preliminary Plan of Subdivision, 4-12007, covering both the residential and commercial sections was approved by the Planning Board on May 30, 2013. The site also has a Stormwater Management Concept Plan, 15822-2008-01, which was valid through May 4, 2013.

6. **Design Features:** The subject property of approximately 44.33 acres is a linear land tract between the rights-of-way of Robert Crain Highway (US 301) and General Lafayette Boulevard. An unnamed stream parallel to US 301 bisects the property into two distinct parts. The eastern portion of the site fronting US 301 has approximately 24.5 acres and is to be developed with commercial uses; the western portion of the site fronting General Lafayette Boulevard has approximately 20.28 acres, and is envisioned as a residential townhouse subdivision. The eastern section also includes approximately 10.13 acres of land in the 100-year floodplain.

The commercial section of the development proposes a main access off Chadds Ford Drive and a second right-in/right-out access off US 301. A future access to the site will be from the north of the site where a future master plan arterial roadway (A-55) will be located. A north-south main internal roadway parallel to US 301 provides on-site circulation. Four stand-alone buildings surrounded by surface parking lots occupy the site in a linear order oriented toward US 301.

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The residential section of the development is oriented toward General Lafayette Boulevard, from which three access points have been shown. Two of the accesses are a right-in/right-out type and the other one is a full access. A north-south spine road along with small alleys provides on-site circulation. Townhouse building sticks are arranged along both sides of the spine road and alleys.

**Design Standards:** The Zoning Ordinance requires that, through approval of a CDP, the standards for building height, open space, public improvements, and other design features for the proposed development will be established in any comprehensive design zone. The applicant has provided design standards in accordance with the requirements for both the commercial and residential development included in this CDP. The design standards consist of two parts: zoning indicators such as lot size and setbacks, and architecture design guidelines governing the design and materials of residential and commercial buildings and signage.

- a. **Residential Use:** Included in this CDP are 191 townhouse units in the residential section located in the western part of the site, fronting General Lafayette Boulevard. The CDP provides the following design standards governing future development of the residential section:

#### **Zoning indicators**

##### **RESIDENTIAL USES**

	Rear Garage Townhouses	Non-Garage Townhouses
Minimum Lot size:	1,500 s.f.	1,500 s.f.†
Minimum frontage at street R.O.W:	20 feet	20 feet
Minimum frontage at Front B.R.L.	20 feet	20 feet
Maximum Lot Coverage	N/A	N/A
Minimum front setback from R.O.W.	13 feet*	15 feet
Minimum side setback:	N/A	N/A
Minimum rear setback:	18 feet	16 feet
Parking	2.04 per du**	2.04 per du**
Minimum distance between rows of Townhouses	15 feet	15 feet
Minimum turning at the end of alleys	***	***
Minimum Density	8.0 du/ac.****	8.0 du/ac.****
Maximum Density	12.1 du/ac.****	12.1 du/ac.****

**Notes:** † A variance from the minimum lot size has been requested to reduce the required lot size from 1,800 square feet to 1,500 square feet.

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\* Stoops and/or steps may encroach into the front setback, but shall not encroach more than five feet into the yard. Rear decks may encroach no more than ten feet over rear setback.

\*\* Parking: The Zoning Ordinance requires 2.04 parking spaces per townhouse dwelling unit. The proposed CDP has 191 townhouses and therefore requires a total of 448 parking spaces. The code takes visitor parking into account by requiring two spaces per townhouse, plus an additional 0.04 spaces per unit for visitor parking. Each of the 109 garage townhouses includes two garage spaces. Along the streets, 230 parking spaces are provided mostly in front of or adjacent to non-garage units. In total, the townhouse portion of the development has 448 parking spaces. While this exceeds the required 390, it also does not count driveways in both the garage and the non-garage lots that are capable of providing additional legal parking spaces. Sufficient parking is provided for both residents and their guests.

\*\*\* Alleys provide adequate turnaround space for normal traffic. However, typical hammerhead turnarounds, in accordance with DPW&T standards, may be provided in appropriate locations on alleys as determined at the time of SDP. Turnaround facilities may not be necessary or appropriate in all alley locations.

\*\*\*\* Does not apply specifically to garage and non-garage units, but is the overall density of the residential component of the property.

#### **Architecture design guidelines**

Residential architecture design guidelines provide certain design requirements for roofs, doors, windows, façade materials, façade elevations, and color schemes. However, no specific information on the type of townhouse proposed has been provided in the design guidelines.

#### **Alleys**

Private alleys have been proposed in the residential section. The right-of-way width of the proposed alleys varies from 12 to 22 feet. See Urban Design comments on the width of alleys in Finding 11 below.

- b. **Commercial Use:** Approximately 218,500 square feet of commercial and retail uses have been proposed in this CDP. The commercial use is located along US 301 in the eastern part of the site, the commercial section. The CDP provides the following design standards governing future development of the commercial section:

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### **Zoning indicators**

#### **COMMERCIAL USES**

Minimum Lot size:	N/A
Minimum frontage at street R.O.W:	N/A
Minimum frontage at Front B.R.L.	N/A
Maximum Lot Coverage	N/A
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback:	N/A
Minimum rear setback:	10 feet
Minimum corner setback to side street R-O-W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

### **Architecture design guidelines**

The commercial architecture design guidelines are intended to promote good design that is responsive to its contextual setting. Specifically, those design guidelines are conceived to achieve objectives as follows:

- Enhance the human scale of this commercial development and respect the scale and character of adjacent residential neighborhoods.
- Mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to comparatively large commercial buildings.
- Strengthen pedestrian connections and improve the pedestrian environment.
- Provide flexibility to respond to the unique characteristics and constraints inherent in commercial development and to evolving commercial development configurations.
- Promote building designs and practices that are adaptable to multiple uses for extended building lifecycles.
- Minimize negative impacts from on-site commercial activities to adjacent residential uses.

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- Balance the economic requirements of the development with the aesthetic concerns of the community.

The commercial architecture design guidelines cover issues of building character and context, massing, design of pedestrian frontages, architectural details, materials, and colors.

### **Signage**

The CDP also provides design guidelines for the design of various types of signage for the development. The signs include primary project identification signs, secondary project identification signs, internal neighborhood identification signs, directional signs, banners and flags, parking identification signs, individual site identification signs, etc. The sign design guidelines also provide for requirements for both temporary and prohibited sign types. Graphic exhibits have also been provided with the CDP text to illustrate the types and quality of the signs to be provided in the commercial development.

- c. **Internal Streets and Alleys:** The CDP includes five types of private streets and alleys with varied rights-of-way and pavement widths. Two spine roads for commercial (Type D) and residential (Type E) sections have 50-foot and 62-foot-wide rights-of-way, respectively, and both roadways have 26-foot-wide pavement. Three additional street and alley types have also been proposed with this CDP. Type A is a 30-foot-wide street with 22-foot-wide pavement, Type B is an alley with 18-foot-wide pavement, and Type C is a one-way alley with only 12-foot-wide pavement. Section 24-128 (b)(7) of the Subdivision Regulations limits the minimum width of an alley to 18 feet. The applicant should either remove or increase the width of the 12-foot-wide alley, or obtain a variation at the time of subdivision approval. A condition has been included in this resolution.

All internal streets and roadways are privately owned. However, those streets must be built in accordance with the standards of the Department of Public Works and Transportation (DPW&T). DPW&T standards require a 36-foot-wide pavement for the entrance to the commercial section. The spine road in the commercial section should be designated exclusively for through traffic without parking because the street will be utilized as an inter-parcel connection to the adjoining parcel to the north. The spine street in the commercial section should have a minimum 26-foot-wide pavement. The spine street in the residential section should have a minimum 26-foot-wide pavement. On-street parking is allowed in the residential section only. However, the parking should be outside of the 26-foot-wide pavement of the residential spine road. No parking should be allowed on those streets especially around the site access areas of the four entrances in the residential section. No parking should be allowed on the spine road of the commercial section. A condition has been included in this resolution to revise the related cross sections of the proposed streets.

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### **Sustainability**

Sustainable design includes a myriad of development techniques to create both green buildings and neighborhoods with minimal impact on the environment. Sustainable design incorporates many of the Smart Growth techniques and looks at the big picture, attempting to reduce the impact of the development on the environment at large, by creating vibrant compact developments that reduce impacts on existing resources such as water and energy, and place more emphasis on walking and biking than on the automobile. The proposed development does these things by including several features of good sustainable design. Recognizing the need for sustainable development, this CDP proposes to utilize the Leadership in Energy and Environmental Design (LEED) Neighborhood Design program, including credits for future design of this development as follows:

- **Smart Location, Transit Facilities and Reduced Automobile Dependence—**The property is a good location for dense residential and intense commercial uses. It is within walking distance to a planned transit station to the northeast, and across the street from a large retail center with shopping and dining opportunities.
- **Walkable Streets, Compact Development and Mixed Use Neighborhood Centers—**The proposed development includes a residential component with wide sidewalks and trails and high-density design which efficiently uses the western portion of the property. The commercial component of the property includes high-intensity compact design that fills the eastern portion of the property. Sidewalks and a trail connection between the residential and commercial sections create a vibrant mixed-use development that encourages walking and bicycling in and around the neighborhood.
- **Light Pollution Reduction—**The applicant will examine reducing light pollution by the use of shielded or cut-off lighting fixtures for the parking lots and street lights.
- **Water Efficient Landscaping—**Native plants are proposed in commercial parking lots and in the park areas in the residential section, to meet and/or exceed the *Prince George's County Landscape Manual* (Landscape Manual) requirements for using native plants and reducing or eliminating the need for additional watering once they are established.

Additional sustainable design techniques, especially those related to building design, will be examined as the development progresses through more specific design phases.

The CDP also shows that the stormwater management ponds have been used on the site to manage stormwater run-off. Three stormwater management ponds have been provided; two are in the residential section and one is in the commercial section. All stormwater management ponds require vehicular access for maintenance vehicles in the future. No vehicular access for stormwater

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management pond maintenance purposes should be provided through parking lots. Instead, the access should be provided from spine roads only.

7. **Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C:** The District Council approved Basic Plans A-9996-C, which rezoned approximately 20.28 acres of land in the E-I-A, L-A-C, and R-M Zones, located in the northwest quadrant of the intersection of Robert Crain Highway (US 301) and Chadds Ford Drive, to the L-A-C Zone, with six conditions and two considerations. The conditions that are relevant to the review of this CDP are discussed as follows:

**Basic Plan A-9996-C**

1. **Land Use Types and Quantities:**

162-245 single-family attached and two-family attached (two-over-two) dwelling units  
Open space  
Homeowner Recreation facilities  
Trails

Single-family attached and two-family attached (two-over-two) dwelling units are based and conditioned on the following density breakdown:

<b>GROSS TRACT:</b>	<b>20.28 acres</b>
<b>FLOODPLAIN:</b>	<b>0.82 acre</b>
<b>NET TRACT AREA:</b>	<b>19.46 acres</b>

<b>Base Density 10.28 at 8.0 du/acre</b>	<b>162 units</b>
<b>Maximum Density 20.28 at 12.1 du/acre</b>	<b>245 units</b>

This CDP proposes a total of 191 townhouse units along with open space, homeowners recreational facilities, and trails that are within the approved development limit. The applicant has also requested a variance in accordance with Section 27-230 of the Zoning Ordinance to allow 100 percent of the dwellings to be townhouses in this CDP. See the finding below for a detailed discussion.

2. **At the time of comprehensive design plan, the transportation planning staff shall make master plan transportation facility recommendations consistent with the Subregion V master plan.**

The Transportation Planning staff has made comprehensive transportation improvement recommendations that have been included in this report.



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3. **At the time of comprehensive design plan and preliminary plan of subdivision, the transportation planning staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:**
  - a. **US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)**
  - b. **US 301/MD 5 and Chadds Ford Drive (signalized)**
  - c. **US 301/MD 5 and Cedarville Road/McKendree Road (signalized)**
  - d. **Chadds Ford Drive and General Lafayette Boulevard (unsignalized)**

All intersections have been included in the traffic impact study submitted with this CDP. According to the review by the Planning Board, the traffic impact study is acceptable.

4. **Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north and to McKendree Road on the south, the applicant, the applicant's heirs, successors and/or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. Such closure shall include removal of the signal as directed by SHA following closure of the intersection. All closures, modifications and removals shall be at the sole expense of the applicant, the applicant's heirs, successors and/or assignees.**

The applicant is aware of the possible future closure and will comply with this requirement as appropriate.

5. **Vehicular access from the eastern portion of the site to the property to the north is supported and shall be demonstrated at the time of specific design plan.**

This condition will be reviewed at the time of specific design plan (SDP).

7. **At time of comprehensive design plan ("CDP"), the applicant shall:**
  - a. **Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.**
  - b. **Provide an analysis of maximum density allowed per dwelling unit/acre and the proposed du/acre for the L-A-C Zone.**
  - c. **Provide pedestrian connectivity to the proposed L-A-C Zone commercial area.**

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**d. Provide a valid stormwater management concept approval letter and plan.**

The applicant has provided the required information in this CDP application to demonstrate conformance with this requirement. A statement of justification has been provided that lists design standards for both the residential and commercial sections. As previously discussed, the design standards include setbacks, lot coverage, and density, as well as standards for materials, architectural design, and signage design. The statement of justification also includes an analysis of density increment factors. A pedestrian trail connection has been shown on the CDP graphic. As discussed in Finding 5 above, the application includes a Stormwater Management Concept Approval Letter and Plan, 15822-2008-01, that was valid through May 4, 2013. A condition has been included in this resolution to require the applicant to renew the stormwater management concept approval or submit technical approval prior to certification of this CDP.

**Considerations:**

- 1. The applicant, the applicant's heirs, successors and/or assignees shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.**

This CDP application conforms to this requirement.

- 2. If approved, at the time of CDP the plan should be modified to move access along Chadds Ford Drive westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If placement of the access at that location is not possible due to environmental features by determination of the Environmental Planning Section, access to the eastern portion of the site should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact.**

During the review of this CDP, the Transportation Planning Section (M-NCPPC), along with DPW&T and the Environmental Planning Section (M-NCPPC) evaluated the possible alignment between the access point to the proposed commercial section and the approved access point shown on Specific Design Plan SDP-0519, and found that it is not feasible due to the short distance to the intersection of Chadds Ford Drive and US 301 and the constraints of existing environmental features. All vehicular accesses to the residential section, however, have been appropriately located from General Lafayette Boulevard.

**Basic Plan A-9997-C**

The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive to the L-A-C Zone, with seven conditions and two considerations. The conditions that are relevant to the review of this CDP are discussed as follows:

- 1. Land Use Types and Quantities:**

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**189,000 square feet of office space**  
**14,657 square feet of retail commercial**  
**Open space**  
**Homeowner Recreation Facilities**  
**Trails**

<b>GROSS TRACT:</b>	<b>24.05 acres</b>
<b>FLOODPLAIN:</b>	<b>10.91 acres</b>
<b>NET TRACT AREA</b>	<b>13.14 acres</b>

**Base intensity of zone 24.05 acres at 0.16 FAR : 167,619 sq. ft.**

**Maximum intensity 24.05 acres at 0.31 FAR: 324,761 sq. ft.**

This CDP proposes a total of 218,500 square feet of commercial space including a 100,000-square-foot medical office facility, a 100,000-square-foot general office building, and two retail buildings totaling 18,500 square feet that are within the approved limits as shown in this condition.

2. **All commercial structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.**

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

3. **At the time of CDP, the applicant shall:**
  - a. **Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.**
  - b. **Provide an analysis of maximum density allowed per FAR and the proposed FAR for the L-A-C Zone.**
  - c. **Provide pedestrian connectivity to the proposed L-A-C Zone residential area.**
  - d. **Provide a valid stormwater management concept approval letter and plan.**

As previously discussed, the applicant has provided the required information in this CDP application to demonstrate conformance to the requirement. A statement of justification has been provided that lists design standards for both the residential and commercial sections. The design

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standards include setbacks, lot coverage, and density, as well as standards for materials, architectural design, and signage design. The statement of justification also includes an analysis of density increment factors. A pedestrian trail connection has been shown on the CDP graphic. The application also includes a Stormwater Management Concept Approval Letter and Plan, 15822-2008-01, that was valid through May 4, 2013.

4. **At the time of CDP, the transportation planning staff shall make master plan transportation facility recommendations consistent with the Subregion V master plan.**

See above finding for the identical condition of A-9996-C.

5. **At the time of CDP and preliminary plan of subdivision, the transportation planning staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:**
  - a. **US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)**
  - b. **US 301/MD 5 and Chaddsford Drive (signalized)**
  - c. **US 301/MD 5 and Cedarville Road/McKendree Road (signalized)**
  - d. **Chaddsford Drive and General Lafayette Boulevard (unsignalized)**

See above finding for the identical condition of A-9996-C.

6. **Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north and to McKendree Road on the south, the applicant, the applicant's heirs, successors and/or assignees shall close the US 301/MD 5/Chaddsford Drive at-grade intersection to traffic. Such closure shall include removal of the signal as directed by SHA following closure of the intersection. All closures, modifications, and removals shall be at the sole expense of the applicant, the applicant's heirs, successors and/or assignees.**

See above finding for the identical condition of A-9996-C.

7. **Vehicular access from the eastern portion of the site to the property to the north is supported and shall be demonstrated at the time of specific design plan.**

The Planning Board supports the possible vehicular connection between the commercial section and the property to the north. A condition has been included in this resolution to require the applicant to provide a clear area on the SDP along the northern property line to ensure the future connection.

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**Considerations:**

1. **The Applicant, the applicant's heirs, successors and/or assignees, shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.**

The CDP satisfies this condition.

2. **If approved, at the time of CDP the plan should be modified to move access along Chaddsford Drive westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If placement of the access at that location is not possible due to environmental features by determination of the Environmental Planning Section, access to the eastern portion of the site should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact.**

See above finding for the identical condition of A-9996-C.

8. **The requirements of the Zoning Ordinance governing development in the L-A-C (Local Activity Center) Zone:** As one of the comprehensive design zones, the L-A-C Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval.
  - a. **Density Increments:** Section 27-496(b) of the Zoning Ordinance provides guidelines and criteria for calculating density increases for the L-A-C Zone. Based on the basic plan approvals, the proposed CDP calculates the base residential density as 162 units (8.0 x 20.28 acres). The following potential density increase allowances in the Neighborhood Center are available in the residential portion of the property:

**RESIDENTIAL SECTION**

**L-A-C ZONE—RESIDENTIAL UNITS**

Base density 8 DUs/AC	162 Units*
Maximum density 12.1 DUs /AC	245 Units*
<b>Density requested 9.41 DUs /AC</b>	<b>191 Units</b>
<b>Density increment requested 18.0%</b>	<b>29 Units</b>

**Note:** \*Approved in Basic Plan A-9996-C.

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting residential density increments. The applicant, in the statement of justification, discussed three density increment factors with the potential for a total of 25 percent density increase based on the public amenities

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provided. However, in this application, the applicant has eventually requested only an 18 percent density increment as follows:

- (2) **For improved common recreational space totaling at least 200 square feet per dwelling unit (available without charge) for use by the residents;**

**OR**

**At least 200 square feet per dwelling unit of private open space contiguous to each dwelling unit;**

**OR**

**A combination of both the above items, which provides at least 200 square feet of either recreational open space or private open space per dwelling unit, an increment factor may be granted, not exceed 10% in dwelling units.**

**Applicant's Justification:** The applicant believes that a 10 percent (or 16 units) density increment in dwelling units is warranted with the following justification:

"More than 7 acres of HOA open space is provided (more than 1,500 square feet per dwelling). This area includes both areas for active and passive recreation, and significant amounts of open space contiguous to dwellings. In addition, 11.62 acres of land will be dedicated to the M-NCPPC."

The linear-shaped residential section is lacking a focal point such as a centrally-located community green with recreational facilities. For the proposed 191 dwelling units, a total of 38,200 square feet (0.877 acre) of recreational open space is needed. According to the justification, the applicant provides more than seven acres, which is well above the minimum square footage needed to earn this density increment. However, the CDP shows several small sites in different locations that will provide a maintenance challenge to a future homeowners association. Given the size of this residential development, one centrally-located community green will better serve the community. The Planning Board agrees it is appropriate to grant up to a 10 percent increase in the residential density, which equals 16 dwelling units in this case, with a condition that the applicant should provide a centrally-located community green open space with a minimum of 18,000 square feet of usable area to be located preferably to the north of the stormwater management pond on Parcel A in order to ensure that the total recreational open space equals 38,200 square feet. All proposed recreational facilities such as the multi-generation play area should also be located within this community green area. This requirement has been included in the design standards that govern the development of the residential section.

As discussed in the memorandum from the Department of Parks and Recreation (DPR) (Sun to Zhang, November 20, 2012), DPR does not agree with the proposal to dedicate the

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stream valley and associated floodplain, which is approximately 11.62 acres, to M-NCPPC to satisfy the requirements of mandatory dedication of parkland for this project because the land is not contiguous to any existing M-NCPPC property. Instead, DPR prefers to collect a fee-in-lieu that will fund additional recreational facilities within the Rose Creek Connector Trail Park that is owned by M-NCPPC and is located in close proximity of the subject site. With the provision of the community green open space, the Planning Board agrees with the applicant's justification to grant a ten percent (or 16 units) increase of the development density.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted, not to exceed 6% in dwelling units; 10% in FAR.**
- (4) **For public facilities (excluding streets and open space areas), an increment factor may be granted, not to exceed 18% in dwelling units; 20% in FAR.**

**Applicant's Justification:** The applicant believes that a 24 percent (6 plus 18) or 39-unit density increment in dwelling units is warranted with the following justification:

"Trails and Paths:

"Approximately 1,000 feet of 8-foot-wide trail with six fitness stations in the public parkland along the stream;

"Nearly 300 feet of internal trails along the stormwater management ponds; and

"Nearly 2,000 feet of 7-foot-wide sidewalks with several connecting 6-foot-wide sidewalks connecting to the trail in the stream valley.

"Passive recreation

"Three sitting areas with benches; and

"Two additional sitting areas along the stormwater management ponds.

"Active recreation

"A 16,300 square foot multi-generation play area.

"Because these pedestrian facilities are separated from the vehicular right-of-way, they qualify the applicant for a 10% increase in commercial FAR and dwelling units."

The multi-generation play area should be located within the above mentioned, centrally-located community green open space. The Planning Board agrees that these public benefit

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features justify up to a 24 percent increase of the residential density, which equals 39 dwelling units in this case.

- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 4% in dwelling units; 20% in FAR.**

**Applicant's Justification:** The applicant requests a four percent (6 units) density increment in dwelling units with the following justification:

“Street lights of enhanced design are proposed along the extra wide sidewalks provided in the development. Distinctive paving will be provided where concrete sidewalks transition into asphalt trails.”

All exterior lighting fixtures including street lights should be full cut-off type. The Planning Board agrees that this public benefit feature justifies up to a four percent increase of the residential density, which equals six dwelling units in this case.

#### **DENSITY INCREMENT SUMMARY—L-A-C ZONE—RESIDENTIAL UNITS**

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above four density increment criteria. As a result, the applicant has earned density increments, subject to certain conditions, as follows:

<b>Factor Number</b>	<b>Density Increment (%)</b>	<b>Density Increment (#units)</b>
2	10	16
3	6	10
4	18	29
5	4	6
	<b>38</b>	<b>61</b>

The applicant only requests a density increment of 18 percent, an equivalent of 29 dwelling units in this CDP application, which is within the allowable limits of density increments in accordance with the above analysis.

Based on the basic plan approvals, the proposed CDP calculates the base commercial density as 167,619 square feet (0.16 FAR by 24.05 acres). The following potential density increase allowances in the Neighborhood Center are available for the commercial portion of the proposed development.

#### **COMMERCIAL SECTION**



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#### **L-A-C ZONE—COMMERCIAL SQUARE FOOTAGE**

Base density	0.16 FAR	167,619 Square feet*
Maximum density	0.31 FAR	324,761 Square feet*
<b>Density requested</b>	<b>0.31 FAR</b>	<b>218,500 Square feet</b>
Density increment requested	31%	50,881 Square feet

**Note:** \*Approved in Basic Plan A-9997-C

Section 27-496(b), Regulations, provides the specific public benefit features and density increment factors that can be considered in granting commercial density increment as follows:

- (1) **For at least 12% of the gross commercial acreage in green area, and the landscaping of parking lots in a way that expands of parking will be relieved by natural features or changes in grade, an increment factor may be granted, not to exceed 30% in FAR.**

**Applicant's Request:** The applicant requests a 30 percent (50,286 square feet) density increment in floor area ratio (FAR) with the following justification:

"The green area calculations are as follows:

"Total Area of Commercial Property	1,078,283 SF (+/-)
"Total Area of parking area (not incl. islands)	- 180,473 SF (+/-)
"Area of Roadways	-78,112 SF (+/-)
"Area of Buildings	-72,119 SF (+/-)
"Area of Sidewalks	-26,736 SF (+/-)
"Area of Trails	-6,701 SF (+/-)
"Subtotal	714,142 SF (+/-)
"Area within the floodplain	-506,167 SF (+/-)
"TOTAL Green Area	142,026 SF (+/-) equals 13% green area remaining after construction."

The gross commercial acreage proposed in the application is approximately 24.5 acres. Twelve percent of the 24.5 acres equals 128,066 square feet. The applicant provides more than 142,026 square feet (13 percent) of green area in the application and meets the green area requirements of this factor. However, the green area in the commercial section includes some parking lot interior planting areas required by the Landscape Manual. The counting of the Landscape Manual required interior planting area is based on the size of each parking lot. Since the commercial section has several parking lots, the highest required percentage of interior planting area is 10 percent. Because of double counting of the green area on the site, the staff recommends granting only half of the allowed

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percentage, in this case a 15 percent (25,143 square feet) density increment in FAR, with a condition of approval that will guide the future review of the SDP to focus on the landscaping of parking lots in a way that expanses of parking will be relieved by natural features or changes in grade.

- (3) **For a pedestrian system separated from vehicular rights-of-way, which provides a direct, uninterrupted link either between blocks or between major structures located at least 500 feet from each other, an increment factor may be granted [sic], not to exceed 15% in dwelling units; 10% in FAR.**

**Applicant's Request:** The applicant requests a 10 percent (16,762 square feet) density increment in FAR with the following justification:

"The applicant proposes almost 400 linear feet of wide trail along the SWM pond connecting to a 290 foot-long 8-foot-wide trail crossing over the stream valley. This trail connection is not included in the residential density increments above). Because this pedestrian facility is separated from the vehicular right-of-way, it qualifies the applicant for a 10% increase in commercial FAR."

The pedestrian crossing is the critical connection called for by the basic plan approvals and is part of the comprehensive pedestrian system proposed on the subject site. Staff agrees with the applicant and recommends granting of a ten percent density increment in FAR based on this factor.

- (5) **For distinctive streetscape design or furnishings such as luminaries, directional and advertising signs, benches, and paved surfaces, an increment factor may be granted, not to exceed 15% in dwelling units; 20% in FAR.**

**Applicant's Request:** The applicant requests a 20 percent (33,524 square feet) density increment in FAR with the following justification:

"The applicant intends to provide distinctive streetscapes consisting of several elements as follows:

- "• Street lights of enhanced design are proposed.
- "• Distinctive paving will be provided where concrete sidewalks transition into asphalt trails.
- "• A sitting area for outdoor eating and enjoyment will be located near the trail around the SWM pond and in the commercial area.

"These streetscape improvements qualify the applicant for a 20% increase in commercial."

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The Planning Board agrees with the applicant and recommends granting a 20 percent (33,524 square feet) density increment in FAR for the factor discussed above on condition that the applicant will provide the following:

- All lighting fixtures should be fully cut-off type;
- Additional ornamental trees and shade trees should be planted along the site's street frontage and sitting area.

Plan notes should be provided on the CDP prior to certification. A condition has been included in this resolution.

#### **DENSITY INCREMENT SUMMARY—L-A-C ZONE—COMMERCIAL SQUARE FOOTAGE**

The applicant has provided additional improvements and amenities that are above and beyond what is normally required to satisfy the above density increment criteria. As a result, the applicant has earned density increments subject to certain conditions, as follows:

<b>Factor Number</b>	<b>Density Increment (%)</b>	<b>Density Increment (square footage)</b>
1	15	25,143
3	10	16,762
5	20	33,524
	45	75,429

The applicant has only requested a density increment of 30 percent to support the development shown on the Comprehensive Design Plan, which is 218,500 square feet. The total amount of development which can be approved at the time of Specific Design Plan, consistent with the Comprehensive Design Plan cannot exceed the maximum square footage that is supported by the total density increment factors found to be satisfied as fully discussed above. The Planning Board finds that the applicant has qualified for density increments of up to 45 percent, or 243,048 square feet. This means that the total square footage which can be constructed in the commercial section of the property without a revision to this CDP is 243,048 square feet. Further, the Transportation Planning Section has also evaluated and found that the development is acceptable based upon a maximum commercial square footage of 243,048 square feet.

- b. **Development Standards:** A comprehensive set of development standards has been proposed for both the residential and commercial sections. The design standards consist of two parts: zoning indicators such as lot size and setbacks and architecture design guidelines governing the design and materials of residential and commercial buildings and signage. See Finding 6 above for a detailed discussion of these standards. Finding 11

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below summarizes the development standards that are approved by the Planning Board and will govern the development of the subject site.

- c. **Section 27-521** of the Zoning Ordinance, Required Findings for Approval in the Comprehensive Design Zones, requires the Planning Board to find conformance with the following findings for approval of a CDP:

**(1) The plan is in conformance with the approved Basic Plan;**

There are two basic plans approved, one each for the residential and commercial sections. Basic Plan A-9996-C covers the residential section and Basic Plan A-9997-C covers the commercial section. The CDP proposes 191 units of residential townhouse and 218,500 square feet of commercial space that are within the approved development limits for the two sections. Therefore, the CDP is in conformance with the approved basic plans.

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

The comprehensive design zones provide much greater flexibility in design. Compared with regulations in conventional zones, development under comprehensive design zones could achieve more green open spaces and more amenities that contribute to a better built environment.

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

The subject CDP is composed of two distinct sections that provide residential and commercial uses under a Local Activity Center (L-A-C) zoning designation. One of the purposes of the L-A-C Zone is to encourage and stimulate a balanced development that groups uses for the convenience of the populations they serve. In order to achieve that purpose, the plan has to include sufficient design elements, facilities, and amenities. In this CDP, two distinct sections have been shown, and each includes trails, sidewalks, and sitting areas around the stormwater management ponds. Coupled with the amenities and facilities in the vicinity of the site, the plan meets this requirement.

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

The site is bounded to the north by undeveloped land in the R-R (Rural Residential) Zone; to the east by the right-of-way of Robert Crain Highway (US 301) and across US 301 by the Brandywine Shopping Center in the C-S-C (Commercial Shopping Center) Zone; to the south by the right-of-way of Chadds Ford Drive and across Chadds Ford Drive by properties in the R-M (Residential Medium Development) Zone; to the east by the right-

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of-way of General Lafayette Boulevard and across General Lafayette Boulevard by subdivisions in the R-M Zone. The site was part of a larger community known as Brandywine Village. The proposed residential section is located across the street from existing townhouses and single-family detached houses, and the commercial section is fronting on US 301. There is a stream that bisects the two sections. The proposed development will be compatible with the immediate surroundings.

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

- (A) Amounts of building coverage and open space;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points;**

The two sections in this CDP are completely separated by the existing stream. There is a pedestrian crossing in the middle of the site that will connect the residential and commercial sections. Additional sidewalks and stream valley trails will provide extra ties between the two sections. Within the residential section, 191 townhouse units are proposed along with on-street parking, open space, a playground, and sidewalks. Four building footprints are shown in the commercial section along with parking lots, sidewalks along the spine road, and other pedestrian connections. Sufficient open space and building setbacks have been provided. The commercial section has two access points: one proposed right-in/right-out from US 301, (that has been recommended for removal by the Transportation Planning Section) and one complete access point from Chadds Ford Road. Space has been preserved for a third possible connection to the north of the commercial section. The residential section has three access points from General Lafayette Boulevard. Adequate access points have been provided for each section.

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

A possible phasing scheme has been identified involving the residential section and the commercial section. According to the applicant, the residential section will be developed first. No additional phasing has been stated within each section.

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

Given the moderate scale of the proposed development within each section, staging will not be an unreasonable burden on available public facilities. As previously noted, the roadways surrounding the subject site including US 301, Chadds Ford Road, and General

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Lafayette Boulevard are all improved. Across US 301 is a newly-developed shopping center. Critical infrastructure has been put in place.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
  - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
  - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The CDP is for development of two undeveloped pieces of property and does not involve any adaptive uses. This requirement is not applicable to this application.

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

The plan is consistent with this requirement by incorporating the applicable side design guidelines in the development standards for both the residential and commercial sections. Specifically, the development standards incorporate the applicable design guidelines dealing with parking, loading and site circulation, lighting, views, green open space, site and streetscape amenities, grading, public spaces, and townhouses.

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

Type 1 Tree Conservation Plan TCP1-009-12 has been submitted with this CDP. According to the review by the Planning Board, the CDP is consistent with TCP1-009-12 subject to several conditions. The CDP will be heard and approved with the TCP1 on the same date.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible;**

According to the review by the Planning Board, this application conforms to the previously approved NRI and the companion Type 1 tree conservation plan. Type 1 Tree

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Conservation Plan TCP1-009-12 is consistent with the environmental policies of the 2002 *Prince George's County Approved General Plan* (General Plan), and the requirements of the Subregion V Master Plan and SMA, the 2005 *Approved Countywide Green Infrastructure Plan*, the Woodland and Wildlife Habitat Conservation Ordinance, and the Tree Canopy Coverage Ordinance, as well as applicable environmental conditions attached to the previous approvals. As such, the plan demonstrates the preservation and restoration of the regulated environmental features in a natural state to the fullest extent possible.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a comprehensive design zone application as a part of sectional map amendment. This provision is not applicable to the subject application because the property was rezoned to the comprehensive design zone through two basic plan applications, not through a sectional map amendment.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This provision is not applicable to the subject application because the Brandywine Village project is not a regional urban community.

- d. **Variance applications:** Included with this application are two variance applications. Section 27-515(b)(7) (Footnote 29) of the Zoning Ordinance restricts townhouses in the L-A-C Zone to a maximum of 40 percent of the total dwelling units. The CDP proposes 100 percent of the dwelling units to be townhouses. As is more fully set forth below, the applicant is requesting a variance from the maximum townhouse percentage requirement. In addition, the applicant also requests a variance from the provisions of Section 27-480(b) of the Zoning Ordinance, which provides that, unless the property is within one-half mile of an existing or planned Washington Metropolitan Area Transit Authority (WMATA) Metrorail station, the minimum lot area requirement for townhouses should be 1,800 square feet. Section 27-515(b)(7) (Footnote 29) also provides that the limitation on the percentage of townhouse units does not apply in the L-A-C Zone if any portion of the property is located within a transit district overlay zone or within one-half mile of an existing or planned WMATA transit station. One such station is located directly across US 301 from the subject property, clearly within one-half mile. The master plan notes that the station could be operated by either WMATA or the Maryland Transit Authority (MTA).

Adding further support is the fact that, in August 2010, MTA released the Southern Maryland Transit Corridor Preservation Study proposing a transit stop in the same location on US 301 as the master plan. Thus, while a transit stop is proposed within one-half mile

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of the property, it cannot be conclusively identified at this time as a WMATA transit station. In addition, a Court Order recently reversed the approval of the 2009 Subregion 5 Master Plan and Sectional Map Amendment. The governing master plan now is the 1993 Subregion V Master Plan and SMA. With the 1993 plan there is no transit recommended, and the variance is quite necessary. Since the proposed development in this CDP hinges on approval of the two variance requests, it must be analyzed at this time to ensure that the overall goals of the development can be achieved as planned.

Section 27-230 of the Zoning Ordinance allows variances to be approved if the Planning Board can make the findings in this situation as follows:

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
  - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The subject property is located between US 301 and General Lafayette Boulevard and has exceptional narrowness, shallowness or shape, exceptional topographic conditions, or other extraordinary situations or conditions which directly relate to the variance requested (Section 27-230(a)). The subject site is part of an assemblage of land in single ownership that consists of 44 acres. However, 11.62 acres of the site (26 percent) is in the 100-year floodplain that bisects the development into two distinct parts. The proposed development also abuts Chadds Ford Drive, which provides access to the Chadds Ford community that is located to the south and west sides of the proposed development. As indicated above, the property was at one time part of the total land area that includes Chadds Ford. The property, however, cannot be developed as a single tract of land because it is bisected by a stream valley, providing a natural separation between the proposed commercial development and the residential development. The land proposed for residential development is narrow, backs up to the existing stream with a dramatic change of topography, and is located directly across from a portion of the Chadds Ford development which is developed mostly with townhouses and some small single-family detached lots (6,500 square feet). The narrowness of the developable area caused by the environmental limitations, the existing townhouses located across General Lafayette Boulevard, plus the additional General Plan factors discussed below, make townhouse development the most appropriate land use. In addition, at the time of basic plan approval for the residential property, the District Council specifically identified two types of residential products including two-over-two and traditional townhouse. Two-over-two or "stacked townhouse" units have the appearance of a townhouse, but they are taller and are usually accessed via alleys at the rear. Due to the topographical changes on the



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stream valley side, two-over-two dwellings cannot be located along the stream valley side. Along General Lafayette Boulevard, the existing community across the street is composed of traditional townhouses and small-lot single-family houses. The larger massing and building height of the two-over-two dwellings are not aesthetically harmonious with the existing streetscape. Moreover, in most parts of the residential section, there is not enough land depth left after siting one row of townhouses along the stream valley side to provide two rows of the two-over-two dwellings that will conceal the valley from views from General Lafayette Boulevard. Thus, both the narrowness of the property and other extraordinary conditions support the granting of the variance in this instance.

**(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or undue hardship upon, the owner of the property; and**

In this case, all types of residential dwelling units are permitted. Footnote 29, however, addresses the percentage of such dwelling unit types that can be constructed. The applicant argues in the statement of justification that altering the allowed percentage constitutes an area variance. The appellate courts of Maryland have made clear distinctions between the criteria applicable to a use variance, which changes the character of the zoning district, and an area variance, which does not. For example, see *Roeser v. Anne Arundel County*, 368 Md. 295, 793 A.2d 545 (2002), which quotes E.C. Yokley, *Zoning Law and Practice* Section 21-6, 321, Vol. 3, 4th Edition, Michie (for the difference between “use” and “area” variances as “a use variance is one that permits a use other than that prescribed by the Zoning Ordinance in a particular district. An area variance has no relationship to a change of use. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by the restrictions of a Zoning Ordinance.”) The applicant is proposing to construct a permitted use in a manner other than that prescribed by the Ordinance. In *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 28 Md. App. 28, 322 A.2d 220 (1974), the Court of Special Appeals states that, “Use variances are customarily concerned with ‘hardship’ cases where the land cannot yield a reasonable return if used only in accordance with the use restrictions of the Ordinance and a variance must be permitted to avoid confiscatory operation of the Ordinance, while area variances are customarily concerned with ‘practical difficulty’.” In the case of Section 27-130, the standard of practical difficulty applies. In *Anderson, Id.*, the Court of Appeals went on to state:

“Where the standard of ‘practical difficulty’ applies, the applicant is relieved of the burden of showing a taking in a constitutional sense, as is required under the ‘undue hardship’ standard. In order to justify the grant of an area variance, the applicant need show only that:

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- “1. Whether compliance with the strict letter of the restrictions governing areas, setback, frontages, height, bulk density would unreasonably prevent the owner from using the property for a permitted use or would render conforming with such restrictions unnecessarily burdensome.
- “2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved would be more consistent with justice to other property owners.
- “3. Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. *McClain v. Soley*, 270 Md. 208, 214-215, 310 A.2d 783, 787 (1973), quoting 2 Rathkopf, *The Law of Zoning and Planning*, 45-28-29 (3d Ed., 1972).”

The applicant submits that the test of practical difficulty is satisfied in this case. First, compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a permitted use or render conformance with such restrictions unnecessarily burdensome. At the time the basic plan application was approved, the applicant originally applied to rezone the residential portion of the property to the R-M Zone. However, staff noted that such a zone would not conform to the General Plan recommendation for a possible future center. In order to implement the General Plan recommendation, staff recommended the L-A-C Zone in order to achieve a density more supportive of proposed future mass transit. The applicant agreed to amend the application and the District Council approved the rezoning with a recommendation that the land use be limited to townhouses and two-family attached (two-over-two) dwelling units. Neither multifamily nor single-family detached units were among the approved residential product types. The variance requested by the applicant is necessary to comply with the land use types approved by the basic plan and comply with the recommendations of the General Plan. Given the physical constraints presented by the shape of the property, requiring strict compliance with the regulation would dramatically reduce the achievable density and unreasonably prevent the applicant from using the property in the manner encouraged by the basic plan. Granting the variance would do substantial justice to the applicant and others, since granting the variance is necessary to achieve compliance with the recommendations of the master plan and the land use types approved by the General Plan. Finally, the variance requested can be granted such that the spirit of the Ordinance will be observed. The Zoning Ordinance clearly states that restrictions on dwelling unit types do not apply in transit district overlay zones or near future transit stops. The property was rezoned to the L-A-C Zone to

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conform to the desire to create density around centers in a manner that encourages transit ridership. Even though the operator of the proposed transit line has not yet been determined to be WMATA, the intent of the Zoning Ordinance is met by planning for the future transit stop.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

As indicated above, granting the requested variances is necessary to ensure that the recommendations of both the General Plan and the basic plan are observed. Thus, granting the variance will not substantially impair the intent, purpose, or integrity of either document. It was determined during the processing of the basic plan application that the L-A-C Zone was the appropriate zone to achieve compliance with the General Plan recommendation for a future center. The goal was to achieve a greater density and high-quality development near a future transit stop. The variance will allow for densities in accordance with quantities approved by the basic plan. However, in order to achieve a high-quality development and avoid a monotonous development due to limited housing products, the applicant should provide a minimum of three different types of townhouse product and limit the total number of small lots (lot size between 1,500 and 1,550 square feet) to no more than 40 percent of the total dwelling units on the site. The types of townhouses provided should be distinctive in design and finish materials and be submitted at time of SDP review.

In summary, the exceptional narrowness, shallowness and shape, exceptional topographic conditions, and other extraordinary conditions, that only two housing products are permitted by the basic plan approval, coupled with the high-density land development vision identified in both the General Plan and basic plan, make the variance from the townhouse percentage as stated in Section 27-515(b)(7), Footnote 29, and minimum lot size for townhouses as stated in Section 27-480(b), necessary in order for the applicant to achieve its development goals, while achieving a high-quality development project at the subject site. Granting the requested variances will not substantially impair the intent, purpose, or integrity of the General Plan (the 2009 Subregion 5 Master Plan was invalidated by the Court). In fact, granting the requested variance will make the proposed development consistent with the land use recommendations of both the General Plan and the approved basic plan. In addition, the relief requested by the applicant can be granted in such a fashion that the spirit of the Zoning Ordinance will be observed. As noted above, the options for complying with Section 27-515(b)(7), Footnote 29, have already been altered by the limitation on the type of dwelling units imposed by A-9996. Clearly, the condition was intended to limit the dwelling unit type on the property to some form of attached units. This does not mean, however, that every unit must be identical and result in a monotonous architectural design. In order to achieve a high-quality development and avoid possible monotonous development, the applicant should provide a minimum of three attached housing types and limit the total number of smaller lots to no more than 40 percent of the total dwelling units within this development. Additional development standards for both the residential and commercial section have also been provided in

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Finding 11. Sufficient variation in townhouse unit types will provide a visually-varied streetscape and an interesting community. The Planning Board, therefore, approved variances with conditions, as included this resolution.

9. **Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage**

**Ordinance:** This site is subject to the Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. A Natural Resources Inventory, (NRI-038-12) and a Type I Tree Conservation Plan (TCP1-047-96-06) were approved previously.

- a. A Natural Resources Inventory, NRI-038-12, for the subject property was approved on July 12, 2012. The regulated environmental features shown on the revised NRI have been correctly shown on the CDP and TCP1. No additional information is required with regard to the NRI.
- b. A Type 1 Tree Conservation Plan, TCP1-009-12, has been submitted with this CDP. The current zoning (L-A-C) of the subject property has a woodland conservation threshold of 15 percent. The zoning condition of approval sets the required threshold at 20 percent of the net tract, or 5.10 acres, which is correctly reflected in the TCP1 worksheet. The TCP1 proposes to clear 30.99 acres of on-site woodland resulting in a woodland conservation requirement of 15.53 acres. The requirement is proposed to be met with 1.87 acres of on-site preservation, 1.81 acres of on-site afforestation/reforestation, and 11.86 acres of off-site woodland conservation credits.
- c. Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned L-A-C are required to provide a minimum of ten percent of the gross tract area in tree canopy. The amount of tree canopy required for the L-A-C Zone is 4.40 acres. During future reviews of SDPs and building permits, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance. A tree canopy coverage schedule will be required to be added to each SDP, to show how the tree canopy requirement is being met.

10. **Further Planning Board Findings and Comments from Other Entities:** Referral requests concerning compliance of the subject CDP with current ordinances and regulations have been sent to the internal divisions and sections of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and to other governmental agencies that have planning jurisdiction over the subject site. The following text summarizes major comments and responses.

**Internal Divisions and Sections**—The following are summaries of major comments regarding this application from the internal divisions and sections of M-NCPPC, as follows:

- Community Planning Division
- Environmental Planning Section, Countywide Planning Division

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- Transportation Planning Section, Countywide Planning Division
  - Historic Preservation Section, Countywide Planning Division
  - Special Projects Section, Countywide Planning Division
  - Subdivision Review Section, Development Review Division
- a. **Community Planning**—The Planning Board noted that the subject property is affected by a Court Order that reversed the approval of the 2009 Subregion 5 Master Plan and Sectional Map Amendment. Until the updated plan and sectional map amendment are reapproved, the official master plan governing this site is the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V*, although the land use recommendations in the 1993 master plan are obsolete due to intervening approved basic plans for the site and the General Plan that updated the land use and Development Pattern policies for the Developing Tier, in that the proposed residential density (8–12 du/acre) is within the density range for residential land uses in the General Plan in the Edge area of a community center (4–20 du/acre). Regardless, this application conforms to the land use plan recommendations in the 2009 Preliminary Subregion 5 Master Plan that recommends residential and commercial land uses for the site.
- b. **Environmental Planning**—The Planning Board reviewed the subject application for conformance with applicable regulations and requirements including those of the General Plan, the Subregion V Master Plan and SMA, the 2005 *Approved Countywide Green Infrastructure Plan*, the Woodland and Wildlife Habitat Conservation Ordinance, and the Tree Canopy Coverage Ordinance, as well as applicable conditions of previous approvals. The Planning Board also noted that there are three specimen trees identified on the subject property. Those trees are all located within the primary management area. However, there will be impacts to the critical root zones of Specimen Trees 2 and 3. A variance to Subtitle 25 may be required in the future. The Planning Board concluded that the CDP and TCP1 meet all of the applicable regulations and conditions of previous approvals, and recommended approval of CDP-1201 and TCP1-009-12 subject to four conditions that have been included in this resolution.
- c. **Transportation Planning**—The Planning Board reviewed the Traffic Impact Study submitted with this CDP, review comments from DPW&T and SHA, the CDP plan, and previous conditions attached to the Basic Plans. A road club will be created to fund the construction of certain additional off-site transportation improvements. With those identified transportation improvements to be constructed, the Planning Board concludes that the staging of the development will not be an unreasonable burden on available transportation facilities as required under Section 27-521(a)(7), Required Finding for approval of a CDP regarding staging of the development, with six conditions that have been included in this resolution as follows:
1. **The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified**

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hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board.

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

- A fee calculated as  $\$1.24 \text{ per gross square foot of space X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)}$ .
- For residential development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:
- A fee calculated as  $\$1,338 \text{ per dwelling unit X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)}$ .
- Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full

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design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. **Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.**
- b. **Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.**
- c. **Make minor widening/stripping improvements to the US 301/MD 5 interchange ramps.**
- d. **Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.**
- e. **Reconstruct the traffic signal at US 301/MD 381.**
- f. **Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.**
- g. **Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.**
- h. **Reconstruct the traffic signal at MD 5/Brandywine Road.**
- i. **Construct an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.**
- j. **Construct interchange in the area of MD 5 and A-63 north of T.B.**
- k. **Construct A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.**

- i. 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.
2. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7).
3. Access to the residential portion of the site shall utilize a full access at the median break along General Lafayette Boulevard. All other access points to the residential portion shall be right-in right-out access with no median break.
4. Prior to the issuance of any building permits within the subject property, the following road improvements along Chadds Ford Drive 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. Provision of two westbound lanes along Chadds Ford Drive between US 301/MD 5 and General Lafayette Boulevard.
  - b. Provision of an exclusive left-turn and right-turn lanes on the commercial access approach to Chadds Ford Drive.
  - c. The applicant shall be responsible for any additional turn lanes or signage at the commercial access roadway intersection with Chadds Ford Drive that are needed to ensure safe access per DPW&T standards.
5. The typical section of the commercial roadway should be re-reviewed as a part of specific design plan review to consider a center left-turn lane at key driveway locations along its length. Also, the typical section should be modified to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the



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**intersection. These changes may require an increase in the proposed 26-foot pavement section.**

- 6. The CDP shall be modified to delete the right-in right-out driveway onto US 301/MD 5.**
- d. **Transportation Planning: Trails**—The Planning Board reviewed the subject CDP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The Planning Board also provided a review of the CDP for conformance with the applicable conditions of previously approved Basic Plans A-9996-C and A-9997-C. The Planning Board concluded that, from the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the findings required for a CDP. Six trail-related conditions have been included in this resolution.
- e. **Historic Preservation**—The Planning Board noted that a Phase I archeology survey was conducted on the subject property in February 2013. Based on the results of the Phase I survey, no cultural material was identified and no archeological sites were delineated. Due to the lack of cultural material or identified archeological sites, no further work was recommended on the Brandywine Village, Section 8, property. The Planning Board concluded that no further archeological investigations are necessary on the Brandywine Village, Section 8, property.
- f. **Special Projects**—The Planning Board reviewed the existing and planned public facilities, including police, fire and rescue, schools, and water and sewerage facilities that will serve the Brandywine Village project. There is adequate police, fire and rescue, and water and sewer facility capacity to serve the proposed development. Regarding schools, County Council Bill CB-31-2003 established a school facilities surcharge that is applicable to this project. The applicant will pay the per-unit charge, to be adjusted for inflation at time of issuance of each building permit. The current amount for each building permit is \$15,020.
- g. **Subdivision Review**—The Planning Board reviewed the proposed private roads and alleys, and indicated that Section 24-128 of the Subdivision Regulations authorizes the use of private roads and alleys in the L-A-C Zone. Specifically, in this instance, the property is subject to Section 24-128(b)(7)(A). The CDP shows a hierarchy of rights-of-way to provide access and circulation for the development that needs to be authorized through the subdivision process. In addition, some townhouses are fronting on a private street rather than a public street. A variation is required for those townhouses and may be granted by the Planning Board in accordance with the required findings in Section 24-113, at the time of preliminary plan of subdivision. The Planning Board concluded that there are no other

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subdivision issues at this time. A more detailed review of the lot and parcel layout and circulation will occur at the time of preliminary plan of subdivision review.

**Other Governmental Agencies include:**

- The Washington Suburban Sanitary Commission (WSSC)
  - The Maryland State Highway Administration (SHA)
  - Prince George's County Department of Parks and Recreation (DPR)
  - Prince George's County Health Department
  - Prince George's County Department of Public Works and Transportation (DPW&T)
  - Prince George's County Police Department
- h. **The Washington Suburban Sanitary Commission (WSSC)**—WSSC had not responded to the referral request at the time this resolution was written.
- i. **The Maryland State Highway Administration (SHA)**—In a memorandum dated August 20, 2012 (Katzenberger to Zhang) SHIA stated that they have no objection to M-NCPPC approval of this CDP. SHA records indicate that improvements within state right-of-way have either been completed or under permit/survey.
- j. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated November 20, 2012 (Sun to Zhang), DPR indicated that only the residential section of the proposed development is subject to mandatory dedication of parkland, which is 15 percent of the land area. Since there is a high need for recreational facilities in the Brandywine area and the site is constrained by a stream valley, DPR recommends a fee-in lieu of land dedication. A condition has been included in the Recommendation Section of this report.
- k. **Prince George's County Police Department**—In a memorandum dated August 30, 2012 (Dadzie to Zhang), the Police Department stated that there are no crime prevention through environmental design (CPTED) concerns at this time for Brandywine Village.
- l. **Prince George's County Department of Public Works and Transportation (DPW&T)**—In a memorandum dated September 29, 2012 (Abraham to Zhang), DPW&T provided comments on various issues including sidewalk, trails, stormwater management, street lighting, culs-de-sac, access, and alleys. DPW& T also requires that alleys have a turnaround at the end.

Private alleys have been widely used in the site design. The length of the alleys is varied. Since the graphic provided with the CDP is for illustrative purposes, specific design of each alley will be further reviewed at the time of SDP in accordance with DPW&T standards. A condition has been included in the Recommendation section of this report that each alley should provide turnaround treatment at the end if it is more than 150 feet

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long, or as determined at the time of SDP, in appropriate locations in accordance with DPW&T standards.

- iii. **Prince George's County Health Department**—In a memorandum dated August 31, 2012 (Wise to Zhang), the Health Department provided comments regarding provision of healthy food choices within a half-mile radius of the site, noise mitigation, safe pedestrian access to amenities, lighting fixtures, water conservation through water reuse, air pollution prevention, recreational facilities, residential community garden, and engaging the public in the review process.

The application includes residential and commercial sections. In the commercial section, commercial office, medical office, and retail uses such as restaurant have been identified. There is no grocery included in this application. However, an integrated shopping center with grocery stores, such as Safeway, is located across Crain Highway (US 301) from the subject site. Future residents can purchase healthy food from those grocery stores.

A comprehensive pedestrian system consisting of sidewalks, stream valley trails, and other pedestrian connections between the two sections has been proposed with this CDP. The pedestrian system is also linked into a similar system in the larger Brandywine Village community that will provide access to amenities in the vicinity of the development. This pedestrian system will provide future residents plenty of opportunities to explore outdoor activities and lead to positive health outcomes.

The applicant also provides a narrative on how the development will address sustainability issues. The discussion includes various green building measures including site-related techniques such as reuse of rainwater for landscaping purposes. Since many sustainable measures are related to building construction, those green building techniques will be further identified at SDP review when needed information is available.

A noise study has been provided during the review process. According to the review by the Environmental Planning Section, the transportation-related noise generated from US 301 will be properly mitigated.

Prevention of light pollution, especially light spill-over from the commercial site to the residential site, has been one of the major focuses of the development review process. The application has proposed to use full cut-off lighting fixtures to avoid light spill-over. A condition has been included in the Recommendation section of this report to require full cut-off lighting fixtures to be used in this development for all exterior lighting purposes, and a photometric study should also be submitted with the SDP covering the commercial section of the development to ensure that the lighting level at the residential property line does not exceed 0.05 foot-candles.

Maximizing residents' access to healthy foods, including promoting a community garden, is one of the current trends in building a sustainable community. In this development, an

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opportunity to create a community garden will exist when a centrally-located community green open space area is developed to meet the density increment requirements. The applicant should explore the community garden concept at the time of SDP review and submittal. A condition has been included in the Recommendation Section of this report.

11. **Urban Design Section's Review of Design Standards:** The Urban Design Section has reviewed the proposed design standards for both the residential and commercial development and is in general agreement with those proposed by the applicant, with some suggested revisions to both the zoning indicators and architecture design guidelines. Additional standards that are applicable to both the residential and commercial sections are also included as follows:

- a. **Residential Section:** A total of 191 single-family attached units has been proposed in this CDP. The L-A-C Zone requirement limits the maximum percentage of townhouses to 40 percent. A variance application has been filed with this application to request that 100 percent of the units be allowed to be townhouses in this development (see Finding 8 above).

#### **Zoning indicators**

The following standards govern the development of the residential section:

#### **RESIDENTIAL USES**

	Garage Townhouses	Non-Garage Townhouses
Minimum Lot size:	1,500 s.f.	1,500 s.f.†
Minimum frontage at street R.O.W:	20 feet	20 feet
Minimum frontage at Front B.R.L.	20 feet	20 feet
Maximum Lot Coverage	80%	60%
Minimum front setback from R.O.W.	13 feet*	15 feet
Minimum side setback between buildings:	25 feet	25 feet
Minimum rear setback:	18 feet**	16 feet**
Parking Spaces	2.04 per du***	2.04 per du***
Minimum distance between rows of Townhouses	15 feet	15 feet
Minimum Density	8.0 du/ac.****	8.0 du/ac.****
Maximum Density	12.1 du/ac.****	12.1 du/ac.****

**Notes:** \* Stoops and/or steps may encroach into the front setback, but shall not encroach more than five feet into the yard.

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**\*\*Decks and patios can intrude 50% (9 feet for 18-foot setback and 8 feet for 16-foot setback) into the rear setback areas.**

**\*\*\*Parking:** The Zoning Ordinance requires 2.04 parking spaces per townhouse dwelling unit. The proposed CDP has 191 townhouses and therefore requires a total of 390 parking spaces. The code takes into account visitor parking by requiring two spaces per townhouse, plus an additional 0.04 spaces per unit for visitor parking. Each of the 109 garage townhouses includes two garage spaces (for a total of 218 spaces). Along the streets, 230 parking spaces are provided mostly in front of or adjacent to non-garage units. In total, the townhouse portion of the development has 448 parking spaces. While this exceeds the required 390, it also does not count driveways in both the garage and the non-garage lots that are capable of providing additional legal parking spaces. Sufficient is provided for both residents and guests.

**\*\*\*\*** Does not apply specifically to garage and non-garage units, but is the overall density of the residential component of the property.

#### **Architecture design guidelines**

Residential architecture shall be designed in accordance with the guidelines provided with this application including design requirements for roofs, doors, windows, façade materials, façade elevations, and color schemes as contained in the booklet.

#### **Private recreational facility and green open space**

The subject site is a linear land strip bounded on one side by a stream valley and on the other side by the right-of-way of General Lafayette Boulevard. The narrowest part of the site is slightly over 300 feet. Given the scale of the residential development and the shape of the site, it is not economically practical to maintain several small green open spaces. Since this development is moderate in size, a centrally-located community green open space as a focal point should be provided, preferably to the north of the stormwater management pond on Parcel A, with a minimum 382,000 square feet, which is the required size in accordance with density increment Factor 2 discussed above. The rest of the private on-site recreational facilities should also be provided on this location.

#### **Streetscape**

Given the shape of the site, a spine road has been proposed in the residential section to be parallel to both the stream and General Lafayette Boulevard. The streetscape should take the view into green open space into consideration when siting houses, to avoid a monotonous streetscape of townhouses. A minimum 50-foot-wide opening between building sticks should be provided in the middle of the north section of the spine road to provide the view into green open space and visually enhance the streetscape along that road section. The pavement width of the spine road should be no less than 26 feet. If on-street parking is provided on the spine road, the parking area should be outside of the 26-foot-wide pavement. Other streets, except for alleys, should have a minimum 22-foot pavement width. Sidewalks should be provided on both sides of the spine road to the extent practical in the residential section.

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### **Alleys**

The right-of-way width of the proposed alleys should be a minimum 18 feet with the rear of the buildings set back a minimum of 19 feet on both sides of the alleyway. A minimum four-foot-wide landscape strip should be provided between the driveways to each unit, to be planted with one shade tree. Landscaping should be provided at the end of the alley. The distance between buildings on both sides of the alley should be no less than 58 feet. Each alley should provide turnaround treatment at the end if it is more than 150 feet long, or as determined at the time of SDP, in appropriate locations in accordance with DPW&T standards.

- b. **Commercial Section:** Approximately 218,500 square feet of commercial and retail uses including medical office space have been proposed in this CDP. The commercial use is located along US 301 in the eastern part of the site—the commercial section. The CDP provides the following design standards governing future development of the commercial section:

### **Zoning indicators**

#### **COMMERCIAL USES**

Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings:	100 feet
Minimum rear setback:	10 feet
Minimum corner setback to side street R-O-W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

### **Architecture design guidelines**

The commercial architecture design guidelines are intended to promote good design that is responsive to its contextual setting. Specifically, those design guidelines are conceived to achieve objectives as follows:

- Enhance the human scale of this commercial development and respect the scale and character of adjacent residential neighborhoods.
- Mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to comparatively large commercial buildings.

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- Strengthen pedestrian connections and improve the pedestrian environment.
- Provide flexibility to respond to the unique characteristics and constraints inherent in commercial development and to evolving commercial development configurations.
- Promote building designs and practices that are adaptable to multiple uses for extended building lifecycles.
- Minimize negative impacts from on-site commercial activities to adjacent residential uses.
- Balance the economic requirements of the development with the aesthetic concerns of the community.

The commercial architecture design guidelines cover issues of building character and context, massing, design of pedestrian frontages, architectural details, materials, and colors.

#### **Roadway**

The pavement width of the spine road in the commercial section should be a minimum 26 feet. The pavement width at the main entrance area off Chadds Ford Drive should be a minimum 36 feet. Sidewalks should be provided along both sides of the spine road.

- c. **Standards applicable to both residential and commercial sections:** The following standards should govern the entire development:

#### **Pedestrian circulation**

Sidewalks should be provided along the spine roads in both the residential and commercial sections. In the residential section, sidewalks should be provided on both sides of the spine road. All internal pedestrian walkways should be looped.

#### **Signage**

All signs included in this development should be designed in conformance with the sign design guidelines proposed in this application including primary project identification signs, secondary project identification signs, internal neighborhood identification signs, directional signs, banners and flags, parking identification signs, and individual site identification signs. The sign design guidelines also provide requirements for both temporary and prohibited sign types. Specific sign dimensions will be determined at the time of SDP with reference to the relevant requirements of Part 12 of the Zoning Ordinance.

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**Lighting Fixtures**

All exterior lighting fixtures used in this development, including both the residential and commercial sections, should be full cut-off luminaires.

**Green Building Techniques**

Green building techniques, in accordance with LEED or other equivalent green building rating systems, should be identified at the time of SDP for both the commercial and residential sections when building information is available. For the commercial development, a minimum of four green building techniques should be included in the design and construction. For the residential development, green building techniques including site-related measures should be incorporated into the development to the extent practical. All appliances should be energy-efficient and Energy Star® labeled. At the time of SDP, the applicant should explore community garden concepts when designing the community green area.

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 1 Tree Conservation Plan (TCP1-009-12), and further APPROVED the Comprehensive Design Plan CDP-1201, Brandywine Village for the above described land, including Variances from Section 27-480(b) and Section 27-515(b)(7), subject to the following conditions:

1. Prior to certificate approval of the comprehensive design plan (CDP), the applicant shall:
  - a. Remove or increase the width of the 12-foot-wide alley (Type C), or obtain a variation at time of subdivision approval.
  - b. Revise the existing standard sidewalk along the subject site's frontage on General Lafayette Boulevard to an eight-foot-wide concrete sidewalk, unless modified by the Department of Public Works and Transportation (DPW&T).
  - c. Provide standard sidewalks along both sides of all major internal roads serving residential uses (roads 26 feet or wider), unless modified by the Department of Public Works and Transportation (DPW&T), except that the sidewalk for lots opposite the stormwater management pond/community open space shall be located along the front of the units.
  - d. Provide a new stormwater management concept approval letter/or technical approval.
  - e. Relocate the stream valley trail outside the primary management area. This trail shall extend from Chadds Ford Drive to the trail connecting to the commercial space as shown on the CDP.



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- f. Provide striping for a designated crosswalk across General Lafayette Boulevard at Chadds Ford Drive at the locations of the existing curb cuts and ADA (Americans with Disabilities Act) ramps.
- g. Provide CDP notes as follows:
  - “If large expanses of surface parking are provided within the commercial area, sidewalks or designated walkways shall be provided at appropriate locations to be determined at the time of specific design plan.”
  - “All exterior lighting fixtures shall be fully cut-off type.”
- h. Add a paragraph on the application of green building techniques in this development as part of the proposed design guidelines in the CDP text under the title “Sustainability.”
- i. Revise the Type 1 tree conservation plan (TCP1) as follows:
  - (1) All clearing of the primary management area on the east side of the stream valley on Parcel 4 shall be eliminated, except for approved stormwater management outfall.
  - (2) “Wood preserved—not credited” must be revised to “woodland retained—not credited” on all legends on the plan sheets.
  - (3) Include the graphic for off-site woodland clearing in the legend, and include any off-site clearing in the right-of-way in the woodland conservation worksheet and the woodland conservation summary table.
  - (4) Revise Note 9 to indicate that Robert Crain Highway (US 301) is classified as a freeway and A-55 is classified as an arterial.
  - (5) Revise Note 10 to complete the note by adding the phrase “effective September 1, 2010.”
  - (6) Show the disposition of specimen trees in the specimen tree table.
  - (7) Correct the TCP1 number format in the approval block, include an approval block on all plan sheets, and add previous approvals to the approval block.
  - (8) Add a woodland conservation summary table on each sheet.
  - (9) Revise the plan to show all single-family attached lots to be located a minimum of ten feet from the primary management area (PMA) delineation in order to allow access and maintenance to the rear of townhouse lots adjacent to the PMA.

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- (10) Revise the plan to show all woodland conservation areas set back a minimum of ten feet from all townhouse lot lines in order to allow access and maintenance to the rear of all townhouse lots.
  - (11) Revise the woodland conservation worksheet as necessary to reflect all of the revisions required above.
  - (12) Have the revised plan signed and dated by the qualified professional who prepared it.
- j. Revise the CDP and Type 1 tree conservation plan to show that primary management area impacts related to the eastern stormwater management pond on the site shall be limited to those necessary for the stormwater management outfall as shown on the approved stormwater management concept plan.
- k. Revise the CDP and Type 1 tree conservation plan to show the location of all unmitigated noise contours 65 dBA Ldn or greater adjacent to roads classified as arterials or higher at both ground and upper levels.
- l. Remove the access point off US 301/MD 5 to the commercial section, if a waiver from the requirements of Section 24-121(a)(3) is not granted.
- m. Revise the access points off General Lafayette Boulevard to the residential section to allow one full access at the median break. All other access points to the residential section shall be right-in right-out access with no median break along General Lafayette Boulevard.
- n. Add a symbol on the north side of the stormwater management pond to designate the location of a community green area. The amenities provided in this area will be determined at the time of specific design plan.
- o. Revise the CDP plan to show a pedestrian connection along the west side of the stormwater management pond while still maintaining a minimum street width of 26 feet.

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2. The development of the property covered by this CDP is subject to the following standards:

#### RESIDENTIAL USES

	Garage Townhouses	Non-Garage Townhouses
Minimum Lot size:	1,500 s.f.†	1,500 s.f.†
Minimum frontage at street R.O.W:	20 feet	20 feet
Minimum frontage at Front B.R.L.	20 feet	20 feet
Maximum Lot Coverage	80%	60%
Minimum front setback from R.O.W.	13 feet*	15 feet
Minimum side setback between buildings:	20 feet	20 feet
Minimum rear setback:	18 feet**	16 feet**
Parking Spaces	2.04 per du***	2.04 per du***
Minimum distance between lot lines of Townhouses	10 feet	10 feet
Minimum Density	8.0 du/ac.****	8.0 du/ac.****
Maximum Density	12.1 du/ac.****	12.1 du/ac.****
Minimum Width of Alleys	18 feet*****	18 feet*****

**Notes:** † No more than 40 percent (74 Units) of the total townhouse lots shall be smaller than 1,550 square feet. No townhouse lot shall be smaller than 1,500 square feet. The minimum lot width of any townhouse within this development shall be 20 feet.

\* Stoops and/or steps may encroach into the front setback, but shall not encroach more than five feet into the yard.

\*\*Decks and patios can intrude 50% (9 feet for 18-foot setback and 8 feet for 16-foot setback) into the rear setback areas.

\*\*\*Parking: The Zoning Ordinance requires 2.04 parking spaces per townhouse dwelling unit. The proposed CDP has 191 townhouses and therefore requires a total of 390 parking spaces. The code takes into account visitor parking by requiring two spaces per townhouse, plus an additional 0.04 spaces per unit for visitor parking. Each of the 109 garage townhouses includes two garage spaces (for a total of 218 spaces). Along the streets, 230 parking spaces are provided mostly in front of or adjacent to non-garage units. In total, the townhouse portion of the development has 448 parking spaces. While this exceeds the required 390, it also does not count driveways in both the garage and the non-garage lots that are capable of providing additional legal parking spaces. Sufficient parking is provided for both residents and guests.

\*\*\*\* Does not apply specifically to garage and non-garage units, but is the overall density of the residential component of the property.

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\*\*\*\*\* Alleys provide adequate turnaround space for normal traffic. However, typical hammerhead turnarounds, in accordance with DPW&T standards, may be provided in appropriate locations on alleys as determined at the time of SDP. Turnaround facilities may not be necessary or appropriate in all alley locations.

**Other Residential Section Requirements**, as contained in Finding 11 above, including standards for architecture design, private recreational facilities and open space, streetscape, and alleys govern the development of the residential section.

#### COMMERCIAL USES

Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings:	100 feet
Minimum rear setback:	10 feet
Minimum corner setback to side street R-O-W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

**Other Commercial Section Requirements**, as contained in Finding 11 above, including standards for architecture design, and roadway govern the development of the commercial section.

#### OVERALL DEVELOPMENT

**Standards that are applicable to both Residential and Commercial Sections**, as contained in Finding 11 above, including standards for pedestrian circulation, signage, lighting fixtures and green building techniques govern the development of the entire project.

3. Prior to signature approval of the Preliminary Plan of Subdivision 4-12007, the applicant shall:
  - a. Evaluate paying a fee-in-lieu to meet the requirements for mandatory dedication of parkland.
  - b. Evaluate the necessity of additional trail or sidewalk connections between residential and commercial sections.
  - c. Evaluate and select the best ownership option for land where pedestrian connections will be located to ensure their perpetual maintenance.

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4. At the time of specific design plan, the applicant shall:
  - a. Provide a minimum of three distinctive townhouse types.
  - b. Provide a photometric study for the commercial site.
  - c. Demonstrate a clear area on the commercial site to be preserved along its northern property line to ensure a future vehicular access to the property to the north.
  - d. Ensure that all HVAC units meet Energy Star<sup>®</sup> performance levels.
  - e. Provide sidewalks or designated walkways where there are large expanses of surface parking within the commercial area.
  - f. Explore a community garden concept in the design of the community central green area in the residential section.
  - g. Provide a minimum of four green building techniques in design and development of each building in the commercial section.
  - h. Explore the possibility of using green building techniques, including those with energy efficiency and water conservation features in the residential section, to the extent practical.
  - i. Submit details of all lighting fixtures for review, along with certification that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels. The following note shall be placed on all future specific design plans:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
  - j. Consider a center left-turn lane at key driveway locations along its length of the commercial roadway and modify the typical section of the roadway to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot pavement section.
5. The applicant and/or the applicant's heirs, successors, or assigns shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area “C” in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5

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in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board.

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

"A fee calculated as \$1.24 per gross square foot of space X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)".

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

"A fee calculated as \$1,338 per dwelling unit X (the most recent Engineering News-Record (ENR) Construction Cost Index four-quarter average available at time of payment) / (the ENR Construction Cost Index for first quarter, 1993)."

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

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

- (1) Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- (2) Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- (3) Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.

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- (4) Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
  - (5) Reconstruct the traffic signal at US 301/MD 381.
  - (6) Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
  - (7) Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
  - (8) Reconstruct the traffic signal at MD 5/Brandywine Road.
  - (9) Construct of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
  - (10) Construct of an interchange in the area of MD 5 and A-63 north of T.B.
  - (11) Construct 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.
  - (12) 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.
  - (13) 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.
6. Prior to the issuance of any building permits within the commercial portion of the subject property, the following road improvements along Chadds Ford Drive shall (1) have full financial assurances, (2) have been permitted for construction through the operating agency's access permit process, and (3) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Provision of two westbound lanes (by re-striping, if possible) along Chadds Ford Drive between US 301/MD 5 and General Lafayette Boulevard, unless modified by the Department of Public Works and Transportation (DPW&T).
  - b. Provision of an exclusive left-turn and right-turn lanes on the commercial access approach to Chadds Ford Drive.

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- c. The applicant shall be responsible for any additional turn lanes or signage at the commercial access roadway intersection with Chadds Ford Drive that are needed to ensure safe access per DPW&T standards.
7. Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7) of the Zoning Ordinance.
8. All commercial structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.

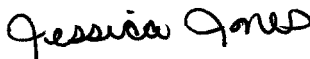
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 30, 2013, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 20th day of June 2013.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:HZ:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPFC Legal Department

Date 6/12/13