PGCPB No. 19-58 File No. 4-18009

R E S O L U T I O N

WHEREAS, Three Roads Corner, LLC is the owner of a 4.54-acre parcel of land known as Parcel 156 located on Tax Map 144 in Grid F-2, and Parcels 159 and 167 located on Tax Map 144 in Grid F-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) and Commercial Miscellaneous (C-M); and

WHEREAS, on February 25, 2019, Three Roads Corner, LLC filed an application for approval of a Preliminary Plan of Subdivision for four parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18009 for Three Roads Corner was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 2, 2019, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on May 2, 2019, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-001-2019, and further APPROVED Preliminary Plan of Subdivision 4-18009 for four parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:

    a. Adjust the public utility easement delineation along the northwestern boundary of the site to meet the full 10-foot-width requirement.

    b. Label the existing church building as to be razed.

    c. Revise General Note 14 to include the gross floor area of the existing church building.

    d. Revise the property boundary shown on the plans to include the proposed area of dedication.

2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:

a. Identify all areas of woodlands retained assumed clear on the plan using the required symbol per the Environmental Technical Manual.

b. Add the TCP1 number to the Maryland-National Capital Park and Planning Commission approval block.

c. Add reforestation to the site to increase the area currently shown as proposed woodland preservation, so it meets the minimum size requirements to receive credit. The remaining requirement can be met off-site.

3. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation (TCP1) worksheet shall be revised, as follows:

a. All woodland areas currently shown as being retained within the limits of disturbance and within the public utility easement must be counted as cleared.

b. Have the qualified professional sign and date the TCP worksheet, as required.

4. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-2019), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

5. Total development within the subject property shall be limited to uses which generate no more than 161 AM peak-hour trips and 109 PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.

6. A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval any building permits.

7. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 32000-2018-00, and any subsequent revisions.

8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:

   a. Dedicate 25 feet of right-of-way from the center line of MD 631 (Old Brandywine Road).

   b. Grant a 10-foot-wide public utility easement along all public rights-of-way.

9. Prior to approval of any building permit, a fee calculated as $2.07 per gross square footage of space multiplied by the (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined by, and paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices, to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.

10. Prior to the approval of any building permit on Parcels 1 through 4, the applicant shall obtain approval of a detailed site plan in accordance with Part 3, Division 9, of Subtitle 27 (the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting of the Marlow-Huntt Store Historic Site, 85A-033-14.

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

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

2. **Background**—The subject property is approximately 4.54 acres and is known as Parcel 156 located on Tax Map 144 in Grid F-2, and Parcels 159 and 167 located on Tax Map 144 in Grid F-3. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) and is within the Commercial Shopping Center (C-S-C) and Commercial Miscellaneous (C-M) Zones. The site is currently improved with a 1,036-square-foot church. The applicant is proposing to demolish the existing structure and subdivide the property into four parcels for commercial use.

3. **Setting—**The property is located east of MD 5 (Branch Avenue) in the southeast quadrant of its intersection with the confluence of Brandywine Road and MD 373 (Accokeek Road). The site is bounded to the east by MD 631(Old Brandywine Road) and commercial uses in the C-S-C and C-M Zones beyond; residential uses in the Rural Residential (R-R) Zone abut the property to the south; to the west, the site is bounded by MD 5 and the Lakeview at Brandywine residential subdivision located in the R-R Zone beyond; to the north, the site is bounded by the intersection of MD 5 and Brandywine Road and commercial uses in the C-S-C Zone beyond.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	C-S-C (0.47 acres), C-M (4.07 acres)	C-S-C (0.47 acres), C-M (4.07 acres)
Use(s)	Church, Vacant	Commercial
Acreage	4.54	4.54
Lots	0	0
Outlots	0	0
Parcels	3	4
Dwelling Units:	0	0
Public Safety	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on March 22, 2019.

5. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designates this application within the Established Communities policy area. The vision for this community is context-sensitive infill and low- to medium-density development.

Master Plan and Sectional map Amendment/Zoning
The Subregion 5 Master Plan and SMA recommends commercial future land uses on the subject property. The master plan rezoned Parcel 167 from the R-R Zone to the C-M Zone and retained the C-M Zone on Parcel 159 and the C-S-C Zone on Parcel 156. There are no master plan conformance issues.

6. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan and Letter (32000-2018-00), approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the subject application and will expire on December 20, 2021. The plan shows six micro-bioretention facilities located along the northern, eastern, and southern perimeter of the property. Development of the property must conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding do not occur.

7. **Parks and Recreation**—Pursuant to Section 24-134 of the Subdivision Regulations, mandatory dedication of parkland is not required because this application is not a residential subdivision.

8. **Trails**—The subject application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 5 Master Plan and SMA, in order to implement planned trails, bikeways, and pedestrian improvements. Since the site is located within a designated corridor (Branch Avenue), it is subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

The Maryland State Highway Administration (SHA) is currently constructing an interchange and bicycle and pedestrian improvements near the subject property along MD 631. These improvements, while not directly impacting the subject property, will improve pedestrian accommodations and safety in the vicinity of the subject site and connect into frontage improvements proffered by the applicant.

The MPOT calls for a shared-use side path or bikeway improvements along MD 373 (page 32). A sidewalk along the property frontage of MD 373 currently exists and the sidewalk will connect to the new sidewalk depicted along the applicant's frontage of MD 631.

The Subregion 5 Master Plan and SMA states that "sidewalks encourage local foot-traffic, improve the health of people in the area, and provide safe access to transit, commercial, and service areas" (page 115). The application indicates construction of a sidewalk along the property frontage of MD 631. This sidewalk will provide a safe bicycle and pedestrian environment for patrons of future commercial uses, especially students from nearby Gwynn Park High School. The sidewalk will connect the site to the road and sidewalk improvements being constructed by SHA, and provide for a more complete pedestrian network than exists today.

The master plan also states that bicycle parking should be provided "at all major transit locations and within all new employment-related developments" (page 121). The applicant should consider providing bicycle parking at the commercial building entrances. A small amount of bike parking is recommended.

Review of the Bicycle and Pedestrian Impact Statement and Proposed Off-Site Improvements: A bicycle and pedestrian impact statement **(**BPIS) scoping meeting was held between the applicant and staff of the Transportation Planning Section on September 14, 2018. Both the transportation consultant for the applicant and Transportation Planning staff agreed that the most appropriate off-site improvement to benefit the subject site involved constructing a sidewalk along MD 631 that would connect to the existing sidewalk along MD 373. Sidewalk construction was proposed along the frontage of the subject site and extended across Parcel 156 to MD 373. It was understood at the scoping meeting that off-site sidewalk construction was contingent upon adequate right-of-way existing along the frontage of MD 631.
Section 24-124.01(e)(2) states that no applicant can be required to acquire property to construct off-site facilities.

(2) No developer/property owner shall be required to acquire additional land not already owned by that developer/property owner in order to construct adequate pedestrian and bikeway facilities. All adequate pedestrian and bikeway facilities required under this Section shall be constructed within existing public easements and rights-of-way, or within land dedicated (or to be dedicated) by the applicant to public use.

Subsequent conversations between the applicant and the adjacent property owner resulted in the acquisition of Parcel 156, which contains an existing church building, and was incorporated into the PPS. A December 27, 2018 email from the applicant, incorporated by reference herein (Lenhart to Lewis-DeGrace, Shaffer), states that the property was acquired to accommodate the sidewalk. Due to the acquisition of Parcel 156 and its inclusion with this application, the proposed sidewalk improvement is considered an on-site improvement and does not satisfy the intent of the BPIS or its enabling legislation. This, now on-site improvement completes the largest pedestrian need identified in the scoping meeting.

Working with the applicant, Prince George's County Board of Education, and SHA, options for off-site BPIS improvements in the vicinity of the proposed development were explored; including construction plans for a sidewalk along Gwynn Park High School's frontage on Brandywine Road; extending the proposed sidewalk past the subject property along MD 631; and improving the existing sidewalks along the north side of Brandywine Road between Dyson Road and MD 5.

However, the construction plans for a sidewalk along Gwynn Park High School, as well as the extension of sidewalks along MD 631, would have exceeded $4,221.70, the BPIS cost cap amount, so they would not be appropriate BPIS options. The sidewalk improvements along Brandywine Road will be made by SHA as part of their improvements along MD 5 and, therefore, developer improvements along the road are not necessary.

Finding of Adequate Bicycle and Pedestrian Facilities and Demonstrated Nexus Finding: Bicycle and pedestrian improvements to the subject property and off-site improvements made by SHA will improve the surrounding area for pedestrians, consistent with the requirements of Section 24.124.01. The applicant's frontage improvements along MD 631 will connect to the site with the planned improvements along MD 373. Pedestrian and bicycle facilities will be adequate to serve the site, and improvements being made by the applicant are consistent with the intent of Section 24-124.01.

9. **Transportation—**The subject property is located in Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

   a. **Links and Signalized Intersections:** Level-of-service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

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

Traffic Study Analysis

The applicant submitted a traffic impact study (TIS) dated November 2018. The findings and recommendations outlined below are based upon a review of these materials and analyses, consistent with "Transportation Review Guidelines, Part 1" (Guidelines). SHA approved construction of an interchange at the intersections of MD 5, MD 381 (Brandywine Road), and MD 373. This construction, which has begun and is ongoing, will affect the geometry and functionality of many of the critical intersections for the subject application. Consequently, no analysis will be done based on the existing geometry of these intersections, and existing conditions will not be computed. The table below shows the intersections deemed to be critical, pursuant to the Guidelines, as well as the levels of service representing background conditions:

BACKGROUND TRAFFIC CONDITIONS		
Intersection	AM	PM
	LOS/CLV/delay	LOS/CLV/delay
MD 373 @ Service Road/SB MD 5 On Ramp (roundabout) **	v/c <0.85	v/c <0.85
Brandywine Road @ Service Road	A/726	A/994
SB MD 5 Off Ramp @ Service Road	A/752	A/666
NB MD 5 On Ramp @ Service Road/Park-N-Ride	A/727	A/810
NB MD 5 Off Ramp @ Brandywine Road/Service Road	A/588	A/645
US 301 and MD 381	**F/2,324**	**F/2,540**
Brandywine Road @ MD 631*	28.5 seconds	27.7 seconds
Brandywine Road @ Dyson Road *	27.8 seconds	16.0 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition. ** Roundabouts are considered adequate when the volume-to-capacity (v/c) ratio is equal to or less than 0.85.		

Using trip rates from the Guidelines, as well as the Institute of Transportation Engineers *Trip Generation Manual, 10th Edition,* the following table summarizes the trip generation shown in the TIS for the subject application:

Trip Generation Summary: 4-18009 Three Roads Corner							
		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Convenience Market (ITE-851)	3,062 sq. ft.	95	96	191	76	74	150
Less Pass-by (48% AM, 51% PM)		*-46*	*-46*	*-92*	*-39*	*-38*	*-77*
Total primary trips		**49**	**50**	**99**	**37**	**36**	**73**
Shopping Center (ITE-820)	9,000 sq. ft.	97	59	156	44	47	91
Less Pass-by (60% AM and PM)		*-59*	*-35*	*-94*	*-27*	*-28*	*-55*
Total primary trips		**38**	**24**	**62**	**17**	**19**	**36**
Total trips for proposed development		**87**	**74**	**161**	**54**	**55**	**109**

The table above indicates that the development will generate a net of 161 (87 in; 74 out) AM peak-hour trips and 109 (54 in; 55 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL TRAFFIC CONDITIONS		
Intersection	AM	PM
	LOS/CLV/delay	LOS/CLV/delay
MD 373 @ Service Road/SB MD 5 On Ramp (roundabout) **	v/c <0.85	v/c <0.85
Brandywine Road @ Service Road	A/752	B/1022
SB MD 5 Off Ramp @ Service Road	A/805	A/693
NB MD 5 On Ramp @ Service Road/Park-N-Ride	A/765	A/837
NB MD 5 Off Ramp @ Brandywine Road/Service Road	A/638	A/686
US 301 and MD 381	**F/2,341**	**F/2,550**
Brandywine Road @ MD 631*	*A/862*	*A/691*
Brandywine Road @ Dyson Road *	31.1 seconds	16.7 seconds
MD 631 @ Site Access 1 *	10.5 seconds	9.8 seconds
MD 631 @ Site Access 2 *	9.8 seconds	9.3 seconds
MD 631 @ Site Access 3 *	9.2 seconds	8.9 seconds
MD 631 @ Site Access 4 *	8.7 seconds	8.7 seconds

* Unsignalized intersections are analyzed using the Highway Capacity Software. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.
** Roundabouts are considered adequate when the volume-to-capacity (v/c) ratio is equal to or less than 0.85.

The results shown above indicate that all intersections were found to be operating adequately, except the US 301/MD 381 intersection. However, the subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, pursuant to Prince George's County Council Resolution CR-9-2017, this development will contribute its commensurate share to the Brandywine Road Club. This resolution provides that, for nonresidential structures, a fee is paid based on $2.07 per gross square foot, which is indexed at the time of payment (Engineering News-Record Highway Construction Cost / Engineering News-Record Highway Construction Cost Index for first quarter, 1993). The critical intersection of US 301 and MD 381 is one of the intersections for which relief is planned by means of the Brandywine Road Club. For that reason, adequacy is determined consistent with Section 24-124(a)(8) of the Subdivision Regulations.

Plan Comments
The TIS was referred to the Prince George's County Department of Public Works and Transportation (DPW&T) and DPIE, as well as SHA. DPIE provided a referral response dated April 2, 2019 (Giles to Barnett-Woods) and SHA submitted a memorandum dated April 8, 2019 (Brown to Onyebuchi), incorporated by reference herein, which do not indicate any issues with the traffic analysis.

Master Plan, Site Review
The property is located in an area where development policies are governed by the Subregion 5 Master Plan and SMA, as well as the MPOT. The subject property currently fronts on MD 631, which is not designated as a master plan road. However, the plan shows dedication of 25 feet from its centerline. No additional dedication will be required. All other aspects of the site, regarding access and layout, are deemed to be acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124.

10. **Public Facilities—**Public facilities for water and sewerage, police, and fire and rescue are adequate to serve the proposed subdivision, in accordance with Section 24-122.01 of the Subdivision Regulations, which are further outlined in memoranda dated March 5, 2019 (Branch to Onyebuchi) and March 29, 2019 (Ryan to Onyebuchi), incorporated by reference herein.

11. **Schools—**In accordance with Section 24-122.02 of the Subdivision Regulations, this proposal will have no effect on public schools, as it is a nonresidential use.

12. **Use Conversion—**The total development included in this PPS is four parcels for commercial development. If a revision to the mix of uses or the site layout on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval, that revision shall require approval of a new PPS, prior to approval of any building permits.

13. **Public Utility Easement (PUE)—**In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The PPS delineates a 10-foot-wide PUE along all public rights-of-way, except along the irregular northwestern property line of proposed Parcel 4, which shall be revised to meet the requirement. All PUEs will also be required to be reflected on the final plat, prior to approval.

14. **Historic—**The Subdivision Regulations require the following findings be made with a PPS:

Sec. 24-135.01 - Historic preservation requirements

(a) The Planning Board shall require the preservation of historic resources in order to protect the County's cultural heritage, to increase public awareness of the County's history, and to provide for the continued use of still-valuable historic resources. Applicants are required to use the flexibility inherent in this Subtitle, including lot size averaging and optional methods of development where appropriate, to prepare plans that minimize the impact of new subdivisions on historic resources and that promote the restoration and continued use of such resources.

(b) The following requirements shall apply to a proposed subdivision containing or adjacent to a historic resource:

(1) Lots shall be designed to minimize adverse impacts of new construction on the historic resource;

(2) Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and

(3) Protective techniques (such as limits of disturbance, building restriction lines and buffers) shall be used.

(c) In order to safeguard the integrity of the historic resource, the Planning Board may require a Detailed Site Plan in accordance with Part 3, Division 9, of Subtitle 27 (the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials and design of the proposed development on the environmental setting.

The subject application was referred to the Historic Preservation Commission (HPC) for its review of potential effects on the Marlow-Huntt Store Historic Site (85A-033-14) adjacent to the subject application, located on the east side of MD 361. The HPC reviewed the subject application at its April 16, 2018 meeting, noting that any new construction on the subject property will be visible from the historic site. The HPC voted 6-0-1 (the Chairman voted "present") to forward the findings, conclusions, and recommendation of approval with conditions to the Planning Board as contained in a memorandum dated April 17, 2019 (Historic Preservation Commission to Onyebuchi), incorporated by reference herein. The memorandum outlines the history and archeological findings on the subject property, along with information regarding the adjacent Marlow-Huntt Store Historic Site (85A-033-14).

At the HPC meeting, the applicant's representative noted that the SHA was proposing significant changes to the intersection of MD 5, Brandywine Road, and MD 373, adjacent to the subject property. The applicant's representative argued that the environmental setting of the Marlow-Huntt Store Historic Site (85A-033-14) was already compromised by modern development and would be further compromised by the approved road upgrades. The applicant's representative asked that a detailed site plan (DSP) only be recommended for Parcel 1, where a convenience store and gas station are proposed. That type of use would require a DSP under the property's C-M zoning. However, the applicant does not yet have tenants or identified uses for the remaining parcels and requested that the HPC not recommend DSP review of those parcels.

The HPC noted that it is concerned with mitigating adverse impacts to the historic site regardless of its location or the character of its current surroundings. Adding a gas station and convenience store, as well as other commercial buildings to the subject property, would impact the historic site and its environmental setting.

The subject application does not propose any architecture. Pursuant to Section 24-135.01.c of the Subdivision Regulations, the HPC recommends that the Planning Board require a DSP for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting of the Marlow-Huntt Store Historic Site, 85A-033-14.

Based on the results of the Phase I archeological survey conducted on the property, the artifact assemblage was sparse, and the shovel test pits indicated there was extensive grubbing of the property when the buildings were demolished. Portions of the subject property within the limits of disturbance possess little potential to provide additional information regarding lifeways of the historic or prehistoric inhabitants of Prince George's County. No additional archeological investigations are required on the subject property.

15. **Environmental—**The Environmental Planning Section previously reviewed Natural Resources Inventory NRI-187-2017, which was approved on November 22, 2017. A separate stand-alone Type 2 Tree Conservation Plan (TCP2-026-2018), submitted prior to this application, is currently

on hold, pending DSP review at a date to be determined in the future. The Environmental Planning Section has not reviewed any previous development review cases associated with this property.

The project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 of the Prince George's County Code that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

Master Plan Conformance
The master plan for this area is the Subregion 5 Master Plan and SMA. The area of the PPS application falls outside of the Brandywine Community Center Core and Edges portion of this plan. In the master plan and SMA, the Environment section contains goals, policies, and strategies. The following policies have been determined to be applicable to the current project. The text in **BOLD** is text from the master plan, and the plain text provides comments on plan conformance.

Policy: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.

The area of development is located within an area designated as commercial use in the master plan. This area is not within a priority area for protection, according to the approved 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan), and contains no regulated or sensitive environmental features.

Policy: Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.

This PPS application is for development of an area that is forested, but contains no regulated environmental features. Woodland conservation will be addressed with the required TCP submitted with this application.

Policy: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.

The site has a valid approved SWM Concept Letter (32000-2018-00) that expires on December 20, 2021. The approved concept plan shows the construction of six micro-bioretention areas on-site, that will improve run-off quality and volume control during storm events. The concept letter also contains seven conditions of approval that must be addressed at the time of final design, including the requirement of a pollution prevention plan, since the project is considered a SWM hot spot. This project will meet the water quality requirements from both storm and non-storm events entering wetlands and waterways, in accordance with an approved final SWM plan, to be approved by the Site/Road Plan Review Division of DPIE.

Policy: Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.

As previously stated, the site has a SWM concept approval letter. Water quality will continue to be addressed through the approval of the final SWM plan.

Policy: Reduce air pollution through transportation demand management (TDM) projects and programs.

As part of the transportation analysis, transportation demand management measures are not required with this application.

Policy: Encourage the use of green building techniques that reduce resource and energy consumption.

This application does not include the review of architecture; however, the use of green building techniques and energy conservation techniques are encouraged, as appropriate.

Policy: Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion.

The site is bounded by MD 5, a master-planned freeway to the west; its intersection with Brandywine Road, a collector to the north; and commercial uses located in the C-M and C-S-C Zones across MD 631 to the east. Single-family detached dwellings, located in the R-R Zone, abut the property to the south. At this time, specific commercial uses for the site have not been proposed and no residential development is evaluated with this application. Therefore, this application does not include an analysis for noise intrusion.

Conformance with the Countywide Green Infrastructure Plan
The southern half of the site is located within an evaluation area that is in the designated network of the Green Infrastructure Plan. No regulated areas are located on-site. The TCP1 focuses on retaining, but not preserving the woodlands as credit within the evaluation area.

Environmental Review

Woodland Conservation
This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-001-2019) has been submitted for review.

According to the worksheet, the site is 4.55 acres in size, with 4.08 acres within the C-M Zone and 0.47 acre in the C-S-C Zone. A total of 2.28 acres of existing woodlands are on the net tract. The site has a woodland conservation threshold of 0.68 acre, or 15 percent of the net tract, as tabulated. The TCP1 shows a total woodland conservation requirement of 1.97 acres, which is met by providing 0.23 acre of woodland preservation and 1.74 acres of off-site conservation credits. This site contains no specimen, historic, or champion trees, or regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, or primary management area.

The TCP1 indicates that an area of woodland preservation will be provided on the southern boundary of the property; however, portions of this proposed woodland preservation area are located within an existing PUE and within the proposed limits of disturbance for grading. The TCP1 must be adjusted to show these areas as removed from the woodland preservation area and shown as cleared. It appears that, once this adjustment has been made, the remaining area shown as woodland preservation will not meet the minimum size requirements to receive credit as woodland preservation; however, this area could be credited towards meeting this requirement by increasing its size via reforestation. Crediting this area as woodland preservation will provide a permanent easement of green space on-site that would also provide a protected landscape buffer in an easement between MD 5 and the rear yards of the adjoining existing residential Lots 1 and 2.

The TCP1 requires several additional minor technical revisions that are required as conditions of approval.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Aquasco-Urban Land complex (0 to 5 percent slopes), Beltsville Silt Loam (0 to 2 percent slopes), and Beltsville-Urban Land complex (0 to 5 percent slopes). Neither Marlboro clay, nor soils containing Christiana complexes, are known to occur on and within the vicinity of this property.

16. **Urban Design—**The property is in the C-M and C-S-C Zones. Based on the submitted plans, the applicant is proposing commercial uses; however, it is unclear what specific uses are being proposed at this time. Some permitted uses in the C-M and C-S-C Zones may require DSP review.

Conformance with the 2010 Prince George's County Landscape Manual

In accordance with Section 27-450, Landscaping, screening, and buffering, of the Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual.* Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of future site plan review.

Conformance with the Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. Properties in all commercial zones are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of future site plan review.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 2, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of May 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JO:gh