

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 16, 2019, regarding Conceptual Site Plan CSP-18004 for Clinton Market Place North, the Planning Board finds:

- Request:** The subject application proposes a conceptual site plan (CSP) for Clinton Market Place North for a mixed-use development consisting of 100–200 one-family attached (townhouses), 40–100 two-family attached (two-over-two condominium) dwelling units, and 35,000–70,000 square feet of commercial/retail uses.

2. Development Data Summary:

Zone(s) Use(s)	EXISTING M-X-T/M-I-O Commercial, Office, Vacant	APPROVED M-X-T/M-I-O One-family and two-family attached residential; Commercial/Retail
Acreage	21.26	21.26
Total Gross Floor Area (sq. ft.)	9,954	385,000 – 770,000
Commercial GFA	9,954	35,000 – 70,000
Residential GFA	-	350,000 – 700,000
Dwelling Units Total	-	140 – 300
One-Family Attached	-	100 – 200
Two-Family Attached	-	40 – 100

Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.42-0.84 FAR

Note: *Additional density is allowed in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

3. **Location:** The subject property is located in the southwest corner of the intersection of MD 223 (Piscataway Road) and Brandywine Road, in Planning Area 81A, Council District 9. The site includes Parcel 226 recorded among the Prince George's County Land Records in Liber 37610 folio 395, Parcel 85 recorded in Land Records in Liber 6519 folio 173, Parcel 59 recorded in Land Records in Liber 36392 folio 599, a parcel of land recorded in Land Records in Liber 29455 folio 493, and Lot 2 of Surratt Properties Incorporation recorded in Plat Book NLP 106-20, which was approved on May 8, 1980.
4. **Surrounding Uses:** To the north beyond MD 223, the properties are primarily commercial and institutional uses in the Commercial Shopping Center (C-S-C) Zone. To the northeast of the property is a Mixed Use-Transportation Oriented (M-X-T) zoned parcel, which is improved with a gas station. The Mary Surratt House Museum (Surratt House) historic site and other single-family houses in the One-Family Detached Residential (R-80) Zone are located across Brandywine Road, to the east. To the south of the site are an existing single-family residence and vacant properties in the M-X-T Zone. The American Legion post in the C-S-C Zone and the Surrattsville High School in the R-80 Zone are located to the west.
5. **Previous Approvals:** On January 11, 1979, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-78245 with three conditions. On May 10, 1979, the Planning Board reconsidered the action taken on 4-78245 and removed Conditions 2 and 3. The PPS was approved with a condition to dedicate 40 feet from the centerline of Brandywine Road. The dedication was partially completed by recordation of plats.

On March 6, 2018, the Prince George's County District Council approved Council Resolution CR-13-2018, which approved three specified minor amendments (known as Minor Amendment Four, Five, and Six in CR-062-2017) to the *2013 Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). The purpose of the amendments was to align current land use and development policies, for the affected properties, with the approved comprehensive plan vision applicable to these properties within the *2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Corridor Sector Plan) and the *Plan Prince George's 2035 Approved General Plan*. The properties that make up this CSP application are located within Minor Amendment Four. The subject property was rezoned from the Commercial Office (C-O), C-S-C, and R-80 Zones to the M-X-T Zone. The Military Installation Overlay (M-I-O) Zone, on the northeast corner of the property, remained unchanged.

6. **Design Features:** The site is currently improved with two commercial uses, both located in the northeast corner of the site. A 3,178-square-foot drive-through bank (9110 Piscataway Road) that fronts MD 223 was constructed prior to 1980 and is located on Lot 2. A 6,776-square-foot office building (9113 Brandywine Road) that fronts Brandywine Road was constructed some time before 1993 and is located on Parcel 226. The office building will be demolished, and the drive-through bank will remain and be incorporated into the development. The bank will become part of the proposed commercial square footage.

The applicant proposes a mixed-use residential and commercial/retail development. The illustrative plan shows an L-shaped public street (Road A) that will connect the interior of the site to MD 223 to the north and Brandywine Road to the east. Traffic lights are proposed at the three-way intersection of Road A and MD 223, and the four-way intersection of Road A, Horseshoe Road, and Brandywine Road.

The CSP provides options of commercial/retail uses or one-family and two-family attached dwelling units along the northern half of the subject property, with frontage on MD 223, and south of the east-west leg of proposed Road A, adjacent to Brandywine Road. Residential-only uses are shown along Brandywine Road, north of Road A where the property is across from the Surratt House. The southern portion of the site will be residential uses only.

The illustrative plan shows two-family attached dwelling units in the northeast portion of the subject property. One-family attached dwelling units make up most of the southern part of the property. The residential uses are shown to be served by a network of private streets and alleys that will be evaluated at the time of PPS for circulation and design requirements. All units are shown with rear-loaded garages, except for those in the southeast corner of the property. The applicant will need to address recreational facilities for the future residents at the time of PPS.

Commercial/retail development is shown in the northwest quadrant of the site, and is accessed from Road A, which will be accessed from MD 223. The auto-oriented design depicted does not meet the outward-facing requirements of the M-X-T Zone and/or the design guidelines of the Central Branch Avenue Corridor Sector Plan, but the specific layout will be reviewed at the time of detailed site plan (DSP).

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all mixed-use zones.
 - (1) The proposed one-family attached and two-family attached residential and commercial/retail uses are permitted in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, this property would be limited to 200 single-family attached units, 100 two-family attached units, and 70,000 square feet of commercial/retail uses, as proposed in this CSP.
 - (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

(d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) **Retail businesses;**
- (2) **Office, research, or industrial uses;**
- (3) **Dwellings, hotel, or motel.**

The subject CSP proposes two types of uses, as required; including a residential component consisting of a mix of 300 one-family attached and two-family attached dwelling units, as well as a commercial/retail component with a maximum of 70,000 square feet of gross floor area. These proposed uses satisfy the mixed-use requirement of Section 27-547(d).

b. The CSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance. The following discussion is offered:

- (1) The maximum proposed floor area ratio (FAR) for the site is 0.84, as provided on the CSP. This is more than the maximum base density of 0.40 FAR, but below the maximum FAR of 1.40, which is allowed by using the optional method of development. An increase of 1.0 FAR is allowed for providing more than 20 dwelling units.
- (2) Developments in the M-X-T Zone are required to have vehicular access to a public street, in accordance with Section 27-548(g), noted below.

(g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

While the overall development is accessed by public streets, including the proposed commercial area, the individual townhouse lots will be served by private streets and alleys. At the time of PPS, appropriate frontage and vehicular access for all lots and parcels must be properly addressed. The preliminary layout shown in the illustrative plan will need to be reviewed in future submittals.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

(1) The proposed development is in conformance with the purposes and other provisions of this Division:

The proposed development is in conformance with this requirement and serves the purposes of the M X T Zone. For example, one purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of Prince George's County. The proposed development, consisting of residential and commercial/retail uses, will provide increased economic activity proximate to the intersection of MD 223 and Brandywine Road. It also allows for reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other. In addition, the proposed attached dwellings and the commercial uses will allow more density on the site. This CSP promotes the many purposes of the M-X-T Zone and contributes to the orderly implementation of the Subregion 5 Master Plan and SMA.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The District Council rezoned the property by Council Resolution CR-13-2018; this event nullified the sector plan's recommendation. The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. The Central Branch Avenue Corridor Sector Plan did include this property in the Clinton Commercial Core focus area. The plan calls for residential mixed-use along MD 223 and low-residential land uses further to the south, which is similar to the CSP.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The proposed development will be outwardly oriented. The development will address the major roadways and the proposed public street internal to the site. How buildings relate to the street and other urban design considerations will be addressed at the time of DSP.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The commercial buildings, which are the most intensive use, are located in the northern half of the site, with the single-family attached units occupying the rest of the site, helping to transition toward the lower-density residential uses south of the site. Townhouses and possible commercial uses on the Brandywine Road frontage will need to address the Surratt House on the east side of Brandywine Road and the other one-family detached homes to the south. The proposed uses should provide buffering and architecture that respond to the adjacent uses, while also serving as an example for future development on the Brandywine Road corridor.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The mix of uses, arrangement of buildings, and other improvements and amenities will relate to the surrounding development and produce a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed project on the subject site will be a catalyst for future development of the properties to the south in the M-X-T Zone.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The applicant proposes three phases. Phase 1 proposes commercial development in the northwest portion of the site, which will front MD 223 to the north and proposed public Road A to the east. Phase 2 proposes two-family attached residential condominiums in the northeast portion of the site, with direct access to Road A to the south and west. Phase 3 proposes residential townhouses on the southern portion of the site and will have access from Road A.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This requirement will be evaluated in detail at the time of DSP. The CSP shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. Pedestrian routes have not been proposed and are not deemed necessary within the private alleyways.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The above finding is not applicable because the subject application is a CSP. Further attention should be paid to the design of pedestrian spaces and public spaces at the time of DSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject property was rezoned M-X-T by the District Council, CR-13-2018. A traffic study has been submitted and the applicant has knowledge that a trip cap and adequacy will be fully tested/vetted at the time of PPS, per Section 24-124 of the Subdivision Regulations.

The application is a CSP for a mixed-use development consisting of the following uses and trip generation (with the use quantities shown in the table as described in the submitted traffic study):

Trip Generation Summary: CSP-18004: Clinton Market Place North (CMPN)								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Retail	36,750	square feet	53	32	85	147	159	306
Less Pass-By (40 percent per Guidelines)			-21	-13	-34	-59	-63	-122
Net Trips for Retail			32	19	51	88	96	184
Townhouse/ Two-Over-Two	290	units	162	41	203	81	151	232
Total Proposed Trips			194	60	254	169	246	416

The traffic generated by the proposed CSP would impact the following intersections, interchanges, and links in the transportation system:

- MD 223 at Brandywine Road /Old Branch Avenue (signalized)
- MD 223 at site access (proposed to be signalized)
- Brandywine Road at Horseshoe Road/CMPN site access (proposed to be signalized)
- Brandywine Road at Clinton Market Place South (CMPS) site access (unsignalized)

The submitted study has been written to analyze the subject site and another nearby site that is controlled by the same applicant. While that approach is deemed acceptable, the fourth critical intersection above is not critical for the subject site; it is critical for the nearby site. As such, it will not be included in the tables below.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 at Old Branch/Brandywine	1,385	1,359	D	D
MD 223 at site access	701	744	A	A
Brandywine Road at Horseshoe/CMPN site access	701	744	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond normal range of the procedure and should be interpreted as a severe inadequacy.				

Background Traffic

The intersection of MD 223 and Old Branch Avenue/Brandywine Road is programmed for improvement with 100 percent construction funding within the next six years in the current Prince George’s County Capital Improvement Program (CIP), with the requirement for developer funding and, as such, it is computed into total traffic and not background traffic. The traffic study also assumes that “a public street connection will be constructed between MD 223 and Brandywine Road” in the southwestern quadrant of this intersection, and it utilizes a diversion for this connection. However, no evidence of the public street connection can be found in the CIP description, nor can the dedication be found

on any plats. Therefore, this public street connection cannot be considered under background traffic, although it can be considered under total traffic, as the applicant is proposing such a connection.

Background traffic has been developed for the study area using 26 approved, but unbuilt, developments within the study area. There is an underlying PPS (4-78245) on this site, and that plan is included as a part of background. A 1.0 percent annual growth rate for a period of six years has been assumed. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 223 at Old Branch/Brandywine	1,705	1,799	F
MD 223 at site access	650	822	A	A
Brandywine Road at Horseshoe/CMPN site access	920	1,086	A	B

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

Total Traffic

Under total traffic, the applicant has removed the trips associated with PPS 4-78245 and added the trips associated with the subject application. Also, the public street connection discussed as a part of background traffic is factored into the analysis. The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the "Transportation Review Guidelines, Part 1," including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 223 at Old Branch/Brandywine	1,749	1,832	F
MD 223 at site access	790	897	A	A
Brandywine Road at Horseshoe/CMPN site access	979	1,098	A	B

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

An inadequacy in both peak hours is noted in the table above at the MD 223 and Old Branch Avenue/Brandywine Road intersection. The intersection of MD 223 and Old Branch Avenue/ Brandywine Road is programmed for improvement with 100 percent construction funding within the next six years in the current CIP, with the requirement for developer funding. With that improvement in place, the intersection would operate with a critical lane volume (CLV) of 1,155 and LOS C in the AM peak-hour. In the PM peak-hour, the intersection would operate with a CLV of 1,197 and LOS C. The improvements included within the "Brandywine Road and MD 223 Intersection" project in the current CIP include the following:

- (1) On the northbound approach, three approach lanes with exclusive through, right-turn, and left-turn lanes.
- (2) On the westbound approach, three approach lanes with exclusive through and left-turn lanes and a shared through/right-turn lane.
- (3) On the eastbound approach, four approach lanes with two through lanes and exclusive right-turn and left-turn lanes.

It is determined, therefore, that the CIP project with partial developer funding will result in acceptable operations at this intersection. Therefore, the applicant will be required to provide funding toward this improvement, with the level of construction and/or financial participation to be determined in cooperation with the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation, and supplied at the time of preliminary plan of subdivision.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

The above finding is not applicable because the subject application is a CSP. This requirement will be evaluated at the time of DSP for this project.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject property measures 21.26 acres and does not meet the above acreage requirement. Furthermore, it is not being developed as a mixed-use planned community. Therefore, this requirement is not relevant to the subject project.

- d. The CSP is in conformance with the applicable CSP site design guidelines contained in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact urban layout and, in accordance with Section 27-274(a)(11)(B), the units front on roadways. Where the units do not front on roadways, they front on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. Conformance with this design guideline will be addressed at the time of DSP.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Adequate visitors' parking for all residential units will need to be addressed at the time of DSP.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type 1 Tree Conservation Plan (TCP1-002-2019) was submitted with the CSP application.

The applicant is proposing to remove the entirety of woodland and meet the requirement off-site. Consideration should be given to a design that retains some woodland, specifically along Brandywine Road to retain the scenic character of the road and along the southern boundary. The proposed woodland conservation will be reevaluated at the time of PPS review.

9. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:

- a. **2010 Prince George's County Landscape Manual**—This development in the M-X T Zone will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements from

Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual.

- b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 21.26 acres in size and the required TCC is 2.13 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP.

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

- a. **Historic Preservation**—The Planning Board adopted herein by reference a memorandum dated April 18, 2019 (Stabler to Hurlbutt), which provided comments on this application, summarized as follows:

The subject application was referred to the Historic Preservation Commission (HPC) for its review of potential effects on the Surratt House (81A-007). HPC reviewed the subject application at its April 16, 2019 meeting.

The Surratt House (81A-007), is listed in the National Register of Historic Places and is a Prince George's County Historic Site. The house, now open to the public as a museum, was listed in the National Register of Historic Places in 1973 and is protected by an easement held by the Maryland Historical Trust. The Surratt House is a nationally and internationally known site and is visited by thousands of people each year.

The illustrative plan is currently showing two-over-two condominium units adjacent to the historic site and townhouses to the south. It would be preferable to place the townhouses in the area opposite the Surratt House, rather than the two-over-two units, as the townhouses will not be as high and will allow the adjacent historic site greater prominence. There is very little vegetative buffering shown on the illustrative plan between the two-over-two units and the historic site. The HPC recommends that a sufficient amount of existing vegetation, on the portion of the property opposite the Surratt House, should be preserved to provide a buffer. The applicant asserts that proposed road improvements and dedication along Brandywine Road will impact any existing vegetation on this portion of the property. The issue of the frontage treatment opposite the Surratt House, including landscaping and buffering, will be reviewed at the time of detailed site plan when more specifics are provided.

HPC emphasized the national and international importance of the Surratt House. It expressed concern for the height and massing of any new buildings that will front Brandywine Road, opposite the historic site. The Commissioners also expressed a desire to have any buildings along Brandywine Road oriented so that the front elevation faces the historic site and that some vegetative buffering be provided. The new development should acknowledge the importance of the Surratt House and be sensitive to its environmental setting.

Conclusions

- (1) A CSP does not show the proposed location of lots or structures. At the time of PPS and DSP, any lots and buildings proposed across from the Surratt House should face the historic site. The applicant should avoid siting lots and buildings so that the rears and sides of structures face the historic site.
- (2) There are existing trees on Lot 2 and Parcels 59 and 85 along Brandywine Road. The applicant should consider retaining a portion of the existing woodland along Brandywine Road to protect the viewshed of the Surratt House with subsequent applications.
- (3) A Phase I archeology survey should be conducted on the subject property. A draft Phase I report should be submitted with the PPS application.
- (4) Upon receipt of the Phase I report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the PPS, the applicant shall provide a plan for:
 - (1) Evaluating the resource at the Phase II level, or
 - (2) Avoiding and preserving the resource in place.
- (5) At the time of PPS, the applicant should arrange the lots so that the smaller scale buildings are located along the eastern side of the development, adjacent to Brandywine Road, and that the fronts of buildings face the historic site.
- (6) At the time of DSP, the HPC will review the landscape buffer, lighting, architecture, materials and other details that may have an adverse effect on the Surratt House.
- (7) If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

HPC recommends approval of this application, with five conditions that will be addressed at the time of future reviews and approvals.

- b. **Community Planning**—The Planning Board adopted herein by reference a memorandum dated April 3, 2019 (Lester to Hurlbutt), that provided comments, summarized as follows:

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, at the time of submittal of a PPS for the subject property, conformance to the approved sector plan will not be required because Council Resolution CR-13-2018, Minor Amendment Four, reclassified the subject properties from the C-S-C, C-O, and R-80 Zones to the M-I-O/M-X-T Zones. This event renders the open space and residential-low future land use recommendations of the sector plan no longer appropriate.

- c. **Transportation Planning**—The Planning Board adopted herein by reference a memorandum dated April 5, 2019 (Masog to Hurlbutt), that provided comments, summarized as follows:

The site will need to go through the PPS process, and transportation adequacy will be further reviewed at that time. The traffic study for this project does not exactly match the maximum range of uses described on the CSP; the applicant has indicated that it would not be feasible for the site to be developed with the maximum residential and retail square footages. The traffic study has utilized a reasonable mix of uses, and this will be further tested at the time of PPS, with a revised traffic study and adequacy test based on the actual mix of uses that the applicant proposes at that time. The submitted study has been written to analyze the subject site and another nearby site that is controlled by the same applicant. The Planning Board will not establish a trip cap condition on this application, but will do so for the PPS. Multiple trip caps on different applications governing the same property create a potential for conflicting findings during later stages of review. Adequacy is fully tested and determined at the time of PPS through the application of Section 24-124, and a traffic study may be submitted with a slightly different mix of uses than was tested at the time of CSP. The trip cap for the site will be based on the PPS.

MD 223 is a master plan arterial roadway with a proposed width of 120 feet. The PPS will need to demonstrate dedication of 60 feet from centerline along MD 223.

Brandywine Road is a master plan collector facility with a proposed width of 80 feet. Due to the presence of the Surratt House historic site on the east side of Brandywine Road, across from the subject property, the east side of the right-of-way will need to hold to the current right-of-way and, as a result, any additional right-of-way will need to be obtained on the west side of Brandywine Road. The existing right-of-way along Brandywine Road is approximately 45 feet in width, meaning this site will need to dedicate approximately 35 additional feet. This is shown correctly on the submitted plan and must be

demonstrated on the PPS. To the north and south of the area of the Surratt House, the right-of-way should transition back to the centerline of the existing Brandywine Road.

The conceptual plan is largely acceptable, as shown. Given the density of the residential portion of the site and the degree to which residences are served by private roadways, fire vehicle access will need to be checked at the time of PPS and DSP. The conceptual plan provides no dimensions on alleys or private streets and, while that is in keeping with the conceptual nature of the plan, it raises concerns about general access and circulation that will need to be addressed at later stages of review.

The plan proposes access to MD 223, a state facility, and also proposes signalization at that location. Concept approval of that access and of the proposed signalization is needed prior to approval of the PPS. The applicant will also be conditioned to provide a traffic signal warrant study at that location as conditioned herein.

There were no transportation conditions on the underlying PPS 4-78245. There are no other prior underlying plans having transportation-related conditions.

Based on the preceding findings, the Planning Board determines that, pursuant to Section 27-546, the plan conforms to the required findings for approval of the CSP from the standpoint of transportation. Further, the Planning Board adopted two transportation conditions.

- d. **Subdivision Review**—The Planning Board adopted herein by reference a memorandum dated April 5, 2019 (Turnquest to Hurlbutt), that provided comments, summarized as follows:

A PPS will be required pursuant to Section 24-107 of the Subdivision Regulations.

A noise study may be required at the time of PPS to ensure adequate mitigation from the traffic nuisances along the property frontage of MD 223 for any residential development and the associated outdoor activity areas. The PPS must reflect the 65 dBA Ldn unmitigated noise contours along MD 223, to assist in the determination of the extent of the noise analysis required.

Additional right-of-way along MD 223 and Brandywine Road may be required at the time of PPS. Circulation through the site and the spatial relationship of the uses to each other and the abutting properties and rights-of-way will be further reviewed at the time of PPS.

The Planning Board included four subdivision-related conditions in this approval.

- e. **Trails**—The Planning Board adopted herein by reference a memorandum dated April 10, 2019 (Lewis-DeGrace to Hurlbutt), which noted that the site plan complies with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), in order to

implement planned trails, bikeways, and pedestrian improvements. The comments are summarized, as follows:

- (1) An 8-foot-wide side path or wide sidewalk is recommended along the subject property's frontage of MD 223. The Complete Streets element of the MPOT and the Central Branch Avenue Corridor Sector Plan reinforces the need for this recommendation.
- (2) A standard sidewalk and bike lanes along the frontage of Brandywine Road are recommended in the MPOT. Bike lanes will be provided by the Maryland State Highway Administration as part of restriping.
- (3) Bicycle parking spaces near the entrances of the commercial properties should be provided at the time of DSP, as recommended in the sector plan, to address the lack of infrastructure.
- (4) The sector plan encourages a walkable environment in the Woodyard focus area. Standard sidewalks should be reflected along both sides of all internal roads on the submitted CSP, consistent with these policies. Additional sidewalk links or internal trails may be considered at the time of DSP.

Conditions requiring sidewalks and bicycle parking at the time of DSP have been included in this approval.

- f. **Environmental Planning**—The Planning Board adopted herein by reference a memorandum dated April 10, 2019 (Schneider to Hurlbutt), that provided the following summarized comments on the subject application:

Natural Resource Inventory Plan/Existing Features

Two natural resources inventory (NRI) plans have been approved for this location. First, there was NRI-008-07, which was for most of the site, except for the parcel owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC), and then revised NRI-002-07-01, approved on February 5, 2015. The last on-site NRI (NRI-115-2018) was for the M-NCPPC property and the adjacent existing office building, which was approved on November 9, 2018 and provided with this application. The TCP1 and the CSP show all the required information, in conformance with the NRI.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

The site contains one specimen tree with the rating of poor (Specimen Tree 21, Blackgum). The current design proposes to remove the one specimen tree for development of parking and associated infrastructure. A Subtitle 25 Variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on March 4, 2019.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the one specimen tree. Details specific to the individual tree have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
21	Blackgum	34	Poor	To be removed

A variance from Section 25-122(b)(1)(G) is requested for the clearing of one specimen tree on-site. This variance is requested from the WCO, which requires, under Section 25-122, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 25 Variance application requires an SOJ of how the findings are being met.

The six variance criteria listed in Section 25-119(d)(1) are discussed, as follows:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The specimen tree is in poor condition, and with the M-X-T zoning, the site will be developed to the fullest. A tree in poor condition within this development would end up dying due to stress and would need to be removed in the near future.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The protection of a specimen tree in poor condition within a proposed development area is not enforced in similar applications. These trees are recommended for removal to prevent the developer from coming back in the future to request the removal of a dead tree within their project limits. The proposed development of the site is in keeping with similar projects within the area.

- (C) **Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

See criteria (B).

- (D) **The request is not based on conditions or circumstances which are the result of actions by the applicant;**

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The removal of the specimen tree is primarily due to its health.

- (E) **The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

This request is based on the health of the specimen tree. This request is not based on a condition relating to land or a building use on a neighboring property.

- (F) **Granting of the variance will not adversely affect water quality.**

The proposed Clinton Market Place North development will not adversely affect water quality because the review of the project will be subject to the requirements of the Maryland Department of the Environment, the Prince George's County Soil Conservation District, and the approval of a stormwater concept plan by the Prince George's County Department of Permitting, Inspections, and Enforcement.

Based on the level of design information currently available and the limits of disturbance shown on the TCP1, a determination for the removal of one specimen tree can be made at this time. The Planning Board approved the removal of the specimen tree as it is necessary due to the poor health of the tree.

Stormwater Management

The site has an approved Stormwater Management (SWM) Concept Plan (17615-2014-00) and associated letter that is in conformance with the current code, which is valid until December 20, 2020. The SWM concept plan shows the use of environmental site design elements to address water quality requirements. A SWM fee of \$32,500.00 for on-site attenuation/quality control measures is required. The approved concept plan is consistent with the CSP.

The Planning Board adopted CSP-18004 and TCP1-002-2019 and approved a variance for the removal of one specimen tree, subject to 1 condition.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopted herein by reference a memorandum dated April 8, 2019 (Zyla to Hurlbutt), that is summarized as follows:

Parcel 85 is currently owned by M-NCPPC and is part of a proposed land exchange with the applicant. Per PGCPB Resolution No. 17-127, the applicant will exchange 5.83 acres of property located at 9405 Brandywine Road and \$319,000 in site improvements at the Surratt House historic property for M-NCPPC's Parcel 85 and 0.032 acre of property immediately adjacent to Parcel 85. Conveyance of Parcel 85 and the adjacent property by M-NCPPC to the applicant is anticipated to occur prior to the Planning Board hearing for this CSP.

Per Section 24-134(a)(1) of the Subdivision Regulations, at the time of PPS, the proposed development is subject to the mandatory dedication of parkland requirement of approximately two acres. Since the subject property is not contiguous to existing parkland, DPR recommends that the mandatory dedication requirement be met by providing private recreational facilities. The final location and list of recreational amenities will be reviewed at the time of DSP review and approval.

Conditions, relative to the private recreational facilities, will be further reviewed and determined at the time of PPS and DSP.

- h. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer any comments on the subject application.
- j. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- k. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.
- l. **Maryland State Highway Administration (SHA)**—SHA did not offer comments on the subject application.
11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

12. As required by Section 27-276(b)(4) for approval of a CSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, as this property does not contain any regulated environmental features.

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 Type 1 Tree Conservation Plan TCP1-002-2019, and APPROVED a Variance to Section 25-122(b)(1)(G) for the removal of one specimen tree, and further APPROVED Conceptual Site Plan CSP-18004 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. Add bearings and distances for each lot.
 - b. Delineate existing and proposed property lines.
 - c. Revise General Note 2 to provide the legal description of all lots included in the CSP.
 - d. Revise General Note 12 to "Property located within the Military Installation Overlay Zone."
 - e. Prior to certification of the CSP, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - (1) Add "TCP1-004-2018" to the approval block and to the worksheet.
 - (2) Revise General Note 7 to say, "...within *Plan Prince George's 2035, Environmental Strategy Area Two, formerly the Developing tier...*".
 - (3) Revise General Note 13 to provide the conceptual stormwater management plan number.
 - (4) Revise the ownership information for the adjacent properties.
 - (5) Add a column for the Development Review Division number in the TCP1 approval block.
 - (6) Identify the steep slopes on the plan with shading.
 - (7) Provide an Owners Awareness Certification on the plan.

- (8) Have the revised plan signed and dated by the qualified professional preparing the plan.
2. Prior to the issuance of any building permits within the subject property, unless modified at the time of PPS pursuant to Section 27-546(d)(9):
 - a. The following road improvements 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 (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians):

MD 223 at Brandywine Road/Old Branch Avenue:

 - (1) On the northbound approach, provide three approach lanes with exclusive through, right-turn, and left-turn lanes.
 - (2) On the westbound approach, provide three approach lanes with exclusive through and left-turn lanes and a shared through/right-turn lane.
 - (3) On the eastbound approach, provide four approach lanes with two through lanes and exclusive right-turn and left-turn lanes.

If the above-listed improvements are to be provided pursuant to the "Brandywine Road and MD 223 Intersection" project in the current Prince George's County Capital Improvement Program, the applicant shall, in cooperation with the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation, demonstrate the construction and/or financial participation. This information shall be supplied to the Transportation Planning Section at the time of preliminary plan of subdivision.
 - b. The applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of MD 223 and the proposed site access. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits and complete installation at a time when directed by SHA.
3. Prior to approval of a detailed site plan (DSP) for the project, the applicant shall:
 - a. Provide sidewalks on both sides of all internal roads where appropriate
 - b. Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.

- c. Demonstrate that the scale, mass, proportion, materials, and architecture for new construction appropriately relates to the character of the Mary Surratt House Museum Historic Site.

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 16, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:gh

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 5/29/19

APPROVED AS TO LEGAL SUFFICIENCY
BY _____
Attorney at Law
