

PRINCE GEORGE'S COUNTY Planning Department

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### Detailed Site Plan Alternative Compliance <u>Clinton Market Place North</u>

### DSP-23006 AC-23005

REQUEST		STAFF RECOMMENDATION		
Development of 191 one-family attached (townhouse) dwelling units and a food or beverage store of approximately 5,915 square feet, with a gas station.		<ul> <li>With the conditions recommended herein:</li> <li>APPROVAL of Detailed Site Plan DSP-23006</li> <li>APPROVAL of Alternative Compliance AC-23005</li> <li>APPROVAL of Type 2 Tree Conservation Plan TCP2-015-14-02</li> <li>APPROVAL of a waiver from Section 25-128(b)</li> </ul>		
<b>Location:</b> In the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road.				
Gross Acreage:	20.38			
Zone:	RMF-48/MIO		HORSESHUL	
Prior Zone:	M-X-T/M-I-O	GARDA		
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)			
Dwelling Units:	191			
Gross Floor Area:	5,915 sq. ft.			
Planning Area:	81A	Planning Board Date:	01/09/2025	
Council District:	09	Planning Board Action Limit:	01/09/2025	
Municipality:	N/A	Staff Report Date:	12/26/2024	
Applicant/Address: Piscataway Clinton LLC 10100 Business Parkway		Date Accepted:	10/02/2024	
Lanham, MD 20706		Informational Mailing:	03/01/2023	
Staff Reviewer: Te-Sheng (Emery) Huang Phone Number: 301-952-4534 Email: tesheng.huang@ppd.mncppc.org		Acceptance Mailing:	08/02/2024	
		Sign Posting Deadline:	12/10/2024	

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at <a href="http://www.mncppcapps.org/planning/Person of Record/">http://www.mncppcapps.org/planning/Person of Record/</a>.

Please call 301-952-3530 for additional information.

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### THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

#### PRINCE GEORGE'S COUNTY PLANNING BOARD

#### STAFF REPORT

#### SUBJECT: Detailed Site Plan DSP-23006 Alternative Compliance AC-23005 Type 2 Tree Conservation Plan TCP2-015-14-02 Waiver from Section 25-128(b) Clinton Market Place North

The Urban Design Section has reviewed the detailed site plan for the subject property and recommends APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

#### **EVALUATION CRITERIA**

The subject property is within the Residential, Multifamily-48 (RMF-48) and Military Installation Overlay (MIO) Zones. It was previously located within the Mixed Use-Transportation Oriented (M-X-T) and M-I-O Zones. Pursuant to Section 27-1704(b) of the current Zoning Ordinance, projects which received development approvals under the prior Zoning Ordinance or prior Prince George's County Subdivision Regulations may have subsequent applications reviewed under the prior Zoning Ordinance. The subject property received prior development approvals for Conceptual Site Plan CSP-18004 and Preliminary Plan of Subdivision PPS 4-19006. Accordingly, this application is being reviewed pursuant to the prior Zoning Ordinance. Staff considered the following in reviewing this detailed site plan:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Mixed Use-Transportation Oriented (M-X-T) and Military Installation Overlay (M-I-O) Zones;
- b. The requirements of Conceptual Site Plan CSP-18004;
- c. The requirements of Preliminary Plan of Subdivision 4-19006;
- d. The requirements of the 2010 *Prince George's County Landscape Manual*;
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;

- g. Referral comments; and
- h. Community feedback.

### **FINDINGS**

Based upon the analysis of the subject application, the Urban Design staff recommend the following findings:

**1. Request:** This detailed site plan (DSP) seeks to develop a mixed-use development, consisting of 191 one-family (townhouse) dwelling units and a food or beverage store of approximately 5,915 square feet, with a gas station.

	EXISTING	EVALUATED	
Zone (s)	RMF-48/MIO	M-X-T/M-I-O	
Use(s)	Commercial	Commercial/Residential	
Gross tract acreage	20.38*	20.38*	
Net tract Area	20.38*	20.38*	
Lots	1 (Lot 2)	134	
Parcels	3 (Parcels 59, 85 and 226)	27**	
	6,776	5,915	
Gross floor area (sq. ft.)	(Existing office building to	(Proposed food or beverage	
	be removed)	store, with a gas station)	
Dwalling Units	0	191***	
Dwelling Units	0	(townhouse units)	

#### 2. Development Data Summary:

**Notes:** \*A condition is included herein requiring the applicant to correct the total acreage of the subject property in the DSP General Notes 2, 6 and 8.

\*\*Conditions are included herein for correcting the total number of parcels in General Note 5, removing Parcel H from the Parcel Schedule on the coversheet, and revising the boundary of the property for the subject DSP throughout the submittal.

\*\*\*Of which, 134 units are fee-simple townhouse units, and 57 units are condominium townhouse units. A condition is included herein requiring the applicant to add such information to the general notes.

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

Base FAR Permitted	0.40
Total FAR Permitted*	1.40 FAR*
Total FAR Proposed**	0.51

**Notes:** \*Additional density is allowed, in accordance with Section 27-545(b)(4), Optional method of development, of the prior Zoning Ordinance, for providing 20 or more dwelling units within Conceptual Site Plan CSP-18004.

\*\*Pursuant to Section 27-548(e) of the Zoning Ordinance, the floor area ratio (FAR) shall be applied to the entire property, as approved with CSP-18004. The total square footage of the entire project is 453,235, which includes 447,320 square feet of townhouse units and 5,915 square feet of proposed food or beverage store building. As a result, the FAR for the subject DSP is approximately 0.51.

#### **Parking Spaces**

In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the Mixed Use-Transportation Oriented (M-X-T) Zone is to be calculated by the applicant and submitted for the Planning Board's approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b) of the prior Zoning Ordinance.

A parking analysis, dated November 26, 2024, was submitted to determine the parking requirement for this development, resulting in a base parking requirement of 392 spaces for both residential and nonresidential uses within the subject DSP. Pursuant to Section 27-574 of the prior Zoning Ordinance, there is no maximum requirement for residential use. The applicant provides 827 spaces to meet the peak-hour demand of 390 parking spaces, determined by Section 27-568 of the prior Zoning Ordinance, of which 698 spaces are in the garages and driveways of the townhouse units and 129 spaces are on the street. In addition, Section 27-574(b)(3) specifically notes that, "[t]he maximum parking allowable for non-residential uses is 115% of the base requirement for M-X-T properties. Parking spaces within a parking structure shall not be counted in the calculation of the maximum number of parking spaces." The parking base requirement for nonresidential use in the subject site is 43 parking spaces to 49 spaces. The proposed 50 parking spaces is one space more than the maximum allowance, which is conditioned herein for the reduction of one parking space.

	Requirement	Provided
Residential Use		
Townhouse	390	698*
On-Street Parking Spaces	-	129**
Total for Residential Use	390	827
Nonparallel Standard spaces (9.5 feet x 19 feet)		747
Parallel Standard Spaces (8 feet x 22 feet)		80
Non-Residential Use		
Food and beverage store	35	-
Gas station (self-serve)	8	-
Total for Non-Residential Use	43	50***
Standard spaces (9.5 feet x 19 feet)	-	38
Handicap Accessible	-	2
Handicap Van-accessible	-	1
Electric Vehicle Charging Stations	-	9

**Notes:** \*The subject DSP includes 158 units with a two-car garage and 33 units with a one-car garage. The driveway of the former can also provide two additional spaces while the driveway of the latter can only house one additional space. As a result, a total of 349 spaces are in the garages and a total of 349 spaces are located in the driveways. A condition is included herein requiring the applicant to revise the note in the residential parking schedule on the coversheet.

\*\*Conditions are included herein to correct the parking schedule to reflect the total number of on-street parking spaces to 129 and the total number of parking spaces for the residential development to 827. In addition, on-street parking spaces comprise a mixture of parallel and nonparallel spaces, which are conditioned for correction, as well as requiring the applicant to label the dimensions of parking spaces on the plans.

\*\*\*Of which at least two shall be handicap-accessible, in accordance with Section 27-566(b) of the prior Zoning Ordinance.

### **Loading Spaces**

	Parking Rate per Section 27-582(a)	Requirement	Provided
Food and beverage store	1 space per 2,000 to 10,000 sq. ft. of GFA (Total: 5,915 sq. ft.)	1	1
	Total	1	1*

**Note:** The submitted plans show the size of this loading space is 80 feet by 14 feet, which meet the required size of 12 feet by 33 feet.

### **Bicycle Spaces**

This DSP includes four locations of U-shaped bicycle racks. These locations are by the pocket park, the playground, the dog park, and an internal access to the food or beverage store. Each location has three bike racks for six bike parking spaces. A total of 24 bike parking spaces are included in this DSP.

- **3. Location:** The subject site is in Planning Area 81A and Council District 9. Geographically, it is located in the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road.
- 4. **Surrounding Uses:** The subject property is bounded to the north by MD 223 and properties beyond are primarily commercial and institutional uses in the Commercial General Office (CGO) Zone (previously zoned Commercial Shopping Center (C-S-C)). To the northeast of the property is a Residential, Multifamily-48 (RMF-48) zoned property (previously zoned M-X-T) improved with a gas station. The property is bounded to the east by Brandywine Road and, beyond, the Mary Surratt House Museum (Surratt House) historic site and other single-family houses in the Residential Single Family -95 (RSF-95) Zone (previously zoned One-Family Detached Residential (R-80)). To the south of the site are existing single-family detached homes and vacant properties in the RMF-48 Zone (previously zoned M-X-T). The

American Legion Post building in the CGO Zone and the Surrattsville High School in the RSF-95 Zone (previously zoned C-S-C and R-80, respectively) are located to the west of the subject property.

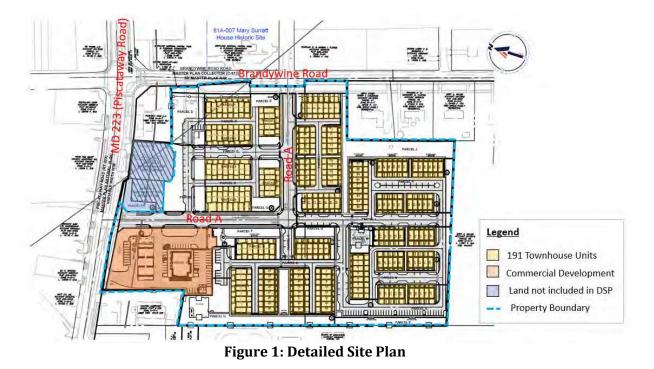
**5. Previous Approvals:** The site has a previously approved Preliminary Plan of Subdivision PPS 4-78245, which was approved by the Prince George's County Planning Board on January 11, 1979, for one lot, fronting MD 223 and Brandywine Road. This PPS was superseded by PPS 4-19006, described further below.

Conceptual Site Plan CSP-18004 was approved by the Planning Board on May 16, 2019 (PGCPB No. 19-62(C)), for 100–200 single-family attached dwellings, 40–100 two-family attached dwellings, and 35,000–70,000 square feet of commercial retail for the subject site.

Preliminary Plan of Subdivision 4-19006 was approved by the Planning Board on September 6, 2021 (PGCPB Resolution No. 2021-102), for 136 lots and 48 parcels to support 136 single-family attached dwellings, 96 two-family attached (two-over-two) dwellings, and 19,178 square feet of commercial development. The total square footage of commercial development included a 3,178-square-foot bank, which has since been converted into an eating and drinking establishment via a separate application. This PPS included a variation from Sections 24-121(a)(3) and 24-128(b)(7).

6. **Design Features:** The site has two main vehicular access points. One is located on MD 223 and the other is located on Brandywine Road. Two access points are connected by Road A, a 60-foot-wide public right-of-way (ROW), which transverses the subject site as a bypass to avoid the intersection of MD 223 and Brandywine Road. Extending from Road A are other proposed private roads and alleys to access the proposed 191 townhouse units.

In addition to townhouse units, the subject DSP includes a food or beverage store with a gas station on Parcel V. This commercial development is oriented toward MD 223 and has one vehicular access point directly from MD 223 and two internal access points from Road A. The gas station is located in the front portion of Parcel V, along the MD 223 frontage, with the building housing the food and beverage store to the rear of the gas station. The one-story building is approximately 19 feet in height, or approximately 24 feet in height if measured to the top of an angled, cantilever roof canopy located in the front and back of the building, emphasizing the front and rear entrances separately. The building entrance is located on the north side of the building, facing the gas station.



### Architecture

The subject DSP includes a mixture of 191 townhouse units and a food or beverage store with a gas station.

#### Single-Family Attached (Townhouse) Homes

The subject DSP application requests approval of two townhouse models, named Jenkins and Parker. Each model has multiple front elevation options, as noted in the table below.

Model	Rear-Loading	Unit	Base Finished	Height	Variety in Front
Name	Garage	Width	Area (sq. ft.)		Elevation
Jenkins	Two cars	20 feet	1,943	36'-5 7/8"**	13*
Parker	One car	18 feet	1,796	33'-6 1/2"	3

**Note:** \*Of which, eight non-masonry elevations of the Jenkins model are to address the condition(s) related to the Surratt House. These elevations (AB, AC, AD, AE, AF, AG, AH, AJ) would only be used for the lots fronting on Brandywine Road and facing the Surratt House. A condition is included herein requiring the applicant to note the additional eight elevations to the model templates on Sheet 3.

\*\*A condition is included herein requiring the applicant to clearly label building height throughout the architectural package as this information is missing in some front elevation options.

Each model offers varied gable roof lines and a variety of architectural features and detailing options, such as front entries with canopies, dormers, balanced fenestration, enhanced window (with brick header, brick rowlock, precast headpiece or precast still), and band board. The Jenkins model offers a total of 13 options of front elevation design. Eight elevations are designed with no brick or limited brick with up to 4-foot-high watertables

and will be used for those townhouse units fronting Brandywine Road, for compatibility with the Mary Surratt House across the street. The other five building elevations are designed to incorporate a mixture of brick and siding, which are arranged vertically or horizontally, to create a clean and contemporary design. A condition is included herein requiring the applicant to clearly label the siding materials on the architectural elevations. In addition, highly visible lots are indicated on the submitted plans and noted in the brick track chart. The submitted architectural package includes high visibility side elevations for the proposed townhouse models, with additional windows or architectural features.



Figure 2: Architectural Perspective of the Jenkins Model



Figure 3: Architectural Perspective of the Parker Model

#### Food or Beverage Store with a Gas Sation

The building footprint for the proposed food or beverage store is in rectangular shape. The architectural design of the building follows the contemporary trend. The building roof is flat except for an angled, cantilevered roof located in the front and rear of the building that will project approximately 5 feet above the parapet, to create variations of the roofline and define the building entrances. The building is finished with a mix of materials, including brick, composite wood siding, stucco, and concrete panel. Reflecting the cantilever roof at the building entrances featured on the food and beverage store, the canopy that covers fuel islands is also designed to be angled, wing-shaped, approximately 25 feet in height. With increasing concerns of climate change, staff recommend the applicant explore alternative energy resources by adding solar panels to the canopy of the gas station.



Figure 4: Architectural Perspective of the Food or Beverage Store Building

### **Recreational Facilities**

Recreational facilities for residential uses are provided on-site for active and passive activities, while satisfying the mandatory parkland dedication requirement established under PPS 4-19006. These facilities include the following:

- a. A playground (Parcel M), which includes various playground amenities (i.e. a nucleus playground structure and a level and launch), two benches and one trash receptacle.
- b. A pocket Park (Parcel T), which includes four benches and one trash receptacle.
- c. A dog park (Parcel U) that includes five benches and one trash receptacle for dog owners, in addition to other equipment for dogs, such as a dog walk, a tunnel, and a water fountain. On November 19, 2024, the Prince George's County District Council adopted Council Resolution, CR-084-2024, to approve the *2024 Parks and Recreation Facilities Design Guidelines*, which takes effect immediately upon its adoption. This 2024 version supersedes the 1983 version and recognizes dog parks as one of park recreational facilities. A condition is included herein requiring the applicant to provide additional dog waste stations along the internal sidewalks, and provide an exhibit to show their locations.

d. Various sitting areas located throughout the site. A condition is included herein requiring the applicant to correct the permit timing for this facility on the coversheet and Sheet 8 of the landscape plans, since the number of townhouse units proposed by this DSP is 191. The submitted plans show that no sitting areas are provided in the northeast quadrant of Road A. A condition is included herein requiring the applicant to provide at least two seating areas along Alley 13.

#### Signage

The subject DSP includes signs for residential and commercial uses, respectively. Two entrance signs are proposed for residential use. One entrance sign, which is single-sided, is located by the access point on Brandywine Road (Parcel E). The other entrance sign, which is double-sided, is located internal to the subject site, near the proposed pocket park (Parcel T). These entrance signs are primarily designed with red bricks and incorporate precast concrete caps and wood.

The proposed food or beverage store, with a gas station, includes various signs. One freestanding sign sits along the MD 223 frontage, on the east side of the access point to the convenience store and gas station. The signage package, received on November 1, 2024, shows the freestanding sign is approximately 20 feet in height. However, there are discrepancies between the submitted site plans and the signage package regarding the location and height of this freestanding sign, which are conditioned herein for correction. Three logo signs are mounted respectively on the north, south, and east elevations of the proposed food and beverage store building. The submitted signage package also includes three signs for the gas station canopy. Two directional signs, with logos, are located internally to the site along Road A, while one directional sign is located at the west side of the access point to the convenience store and gas station.

Section 27-613(f) notes that, "[i]n the Mixed Use Zones, the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of Detailed Site Plan review..." The applicant included proposed sign standards on Sheet 12, showing no maximum requirements for the height of the building wall or roof signs from base to top are proposed. However, another standard is provided stating the maximum height is the lowest point of the building's roof. A condition is included herein requiring the applicant to remove the notation that no maximum requirements apply, thereby, retaining the height maximum to the lowest point of the building's roof. In addition, Sheet 12 shows no requirements for freestanding signs, which is conditioned herein requiring the applicant to note on the plan that the requirements for freestanding signs are the maximum, as proposed with this DSP.

### Lighting

The subject DSP includes both residential and commercial uses. Lighting for residential use includes both pole-mounted light fixtures and bollard lights throughout the site, with details. Staff find that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating drive aisles, building entryways, and walking paths. With a similar manner, the photometric plan, submitted for the convenience store and gas station, shows the provision of both pole-mounted and building-mounted lighting throughout the site. Staff find that adequate lighting for users on-site is sufficient for illuminating drive aisles and building-mounted lighting throughout the site. Staff find that adequate lighting for users on-site is sufficient for illuminating drive aisles and building entryways.

#### **Loading and Trashing Facilities**

The subject DSP includes one loading space and one dumpster for the proposed food or beverage store and gas station. Since the loading space directly faces the vehicle access point on MD 223 to this commercial development. a condition is included herein requiring the applicant to expand the planting island located at the northwest corner of the food or beverage store building, with additional plantings, to shield this loading space from the public view on MD 223. The submitted plans also show the location of the proposed trash dumpster, with details of the dumpster enclosure. The dumpster is screened with a dumpster enclosure that is approximately 8 feet in height.

### **COMPLIANCE WITH EVALUATION CRITERIA**

- **7. Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T and Military Installation Overlay (M-I-O) Zones, and the site design guidelines of the prior Zoning Ordinance:
  - a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in all mixed-use zones.
    - (1) The proposed one-family attached residential, food or beverage store, and gas station uses are permitted in the M-X-T Zone and were shown on CSP-18004.
    - (2) Section 27-547(d) of the Zoning Ordinance 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 applicable CSP-18004 proposed two types of uses to satisfy this regulation. The subject development remains in conformance to the mixed-use requirement of Section 27-547(d), as this DSP includes two types of uses.

- b. The DSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance. The following discussion is offered:
  - (a) Maximum floor area ratio (FAR):
    - (1) Without the use of the optional method of development 0.40 FAR; and
    - (2) With the use of the optional method of development 8.00 FAR.

Section 27-545(b)(4) states that "additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided." The subject DSP application proposes 191 residential units. Utilizing the residential optional method, the total FAR permitted is 1.40. This DSP proposes approximately 0.51 FAR, which is in conformance with this requirement.

### (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

The DSP satisfies this requirement because it includes 191 townhouse units located on more than one lot, and one food or beverage store building, with a gas station, on one parcel.

(c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

The DSP shows the dimensions and height for the proposed development, except the coverage. A condition is included herein for adding the lot coverage of the development to General Notes on the coversheet.

(d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

The submitted landscape plans show that the landscaping, screening, and buffering between the proposed uses within the subject property are adequate. Detailed discussion has been addressed in Finding 10 below, with a detailed discussion on the plan's conformance with the Landscape Manual.

(e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the

optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

The FAR for the proposed development, 453,235 square feet on the 20.38-acre property, is approximately 0.51, which is under the permitted 1.4 FAR. Detailed discussion has been addressed in Finding 2 above.

### (f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.

This is not applicable because the proposed development does not have any private structures in the air space above, or in the ground below the surrounding public ROWs.

# (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.

A variation from Section 24-128(b)(7)(A) was approved with PPS 4-19006 for 118 lots that have vehicular access from alleys but do not have frontage on a public street. The subject DSP proposes 191 townhouse units, of which 134 units are on fee-simple townhouse lots, and 57 units are condominium townhouse units. Among the 134 fee-simple townhouse lots, 17 lots have frontage on a public street and 117 lots do not front a public street. All 191 units have access to a public street via a private road or an alley.

Townhouses developed pursuant to a Detailed Site Plan for which an (h) application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior

building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half  $(\frac{1}{2})$  mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject property is not within one-half mile of a WMATA mass transit rail station or within a Mixed-Use Planed Community. Accordingly, this DSP is only required to conform to the generally applicable provisions of this regulation. The development standards for townhouse units are shown on the coversheet and Sheet 3 of the submittal, which include lot size, building lengths, and living area. These standards comply with this regulation. Sheet 12 of the submittal contains a brick track chart and confirms that at least 60 percent of the full front façades will be constructed of brick, stone, or stucco.

The subject DSP includes 30 townhouse sticks, for a total of 191 units. The applicant proposes only one stick with greater than 8 units or 3.33 percent of the total sticks. This stick has nine units. Although this stick is located internally to the site, its location allows to form a mew, with two nearby stick of townhouse units, with a central landscaping area and walkways on both sides to enhance connectivity and to be environmentally sensitive. The nine units within this stick will be 20 feet wide and are designed with the Jenkins model, making these units architecturally attractive. Therefore, Staff recommend approval of this stick with more than eight units, in a way of creating a harmonious living environment.

 The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.

This is not applicable because this DSP does not include multifamily buildings.

(j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.

This regulation is not applicable to the subject property. Even though the site was rezoned to the M-X-T Zone through a sectional map amendment approved after October 1, 2006, there was no comprehensive land use planning study conducted by technical staff prior to initiation.

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 DSP 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 purposes of the M-X-T Zone are provided for in Section 27-542 of the Zoning Ordinance. The subject DSP is in conformance with the purposes and other provisions 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 uses, will provide increased economic activity proximate to the intersection of MD 223 and Brandywine Road. The mixture of residential and nonresidential uses in close proximity to each other can also allow for reduction of the number and distance of automobile trips. In addition, the proposed attached dwellings and the commercial uses will allow more density on the site and provide an appropriate horizontal mix of land uses that blend together harmoniously.

(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 or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;

The 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan (Sector Plan) notes that the subject property is located within one of the focus areas (Clinton Commercial Core Area) and envision this area be "...transformed into a vibrant, mixed-use, transit-supported destination..., providing a range of housing types and new office developments" (page 95). The Sector Plan does not include specific design guidelines or standards for implementation of development projects in this focus area. Instead, the plan provides recommendations as guidance on best practices that should be considered during the design of new projects to enhance function and visual quality. These recommendations are also to address design and appearance expectations for development (pages 113–119). These recommendations are broken down into five aspects, including Design for Safety, Site Design, Building Design, Connectivity and Circulation, and Open Space. The proposed development aligns with these recommendations, as follows:

Regarding Design for Safety (pages 113–114), both townhomes and the convenience store, with a gas station, are designed with visible entrances, windows, and the site is incorporated with benches and outdoor activity areas to maximize visibility and enhance natural surveillance. Walkways/ sidewalks, lighting, signage, and fences are included with this DSP to guide

people to and from the property entrances. In the residential area, the delineation of private spaces for townhomes and public spaces for sidewalks, open space, and recreation areas is clearly defined to foster a sense of ownership and territoriality.

Regarding Site Design (pages 114–115), all buildings in this DSP are oriented toward streets or open spaces. Sidewalks are integrated throughout the site and in front of the buildings for connectivity and, potentially, for street life. Placement of the buildings and landscape buffers not only creates a consistent streetscape within the subject property, but also ensures visual and functional compatibility to neighboring developments, buffers incompatible uses, and screens unsightly views, when necessary.

Regarding Building Design (pages (116–117), the buildings in this DSP are designed with a mixture of materials, architectural features/elements, and colors/textures, as discussed in Finding 6 above. Signs are appropriately incorporated into the associated buildings and to the overall site, as shown in the submitted signage package.

Regarding Connectivity and Circulation (page 118), the DSP proposes new streets that are designed in a grid street pattern, except several dead-end alleys serving rear-loading garages of some townhouse units. Vehicular access points to the site are limited to two on MD 223 and one on Brandywine Road. One access on MD 223 is mainly for the convenience store and gas station on Parcel V. Within the subject site, pedestrian and vehicular circulations are separated and crosswalks are provided when both meet.

Regarding Open Space, this DSP provides various accessible and usable outdoor recreation areas, consisting of hardscape (i.e. pavements) and softscape (i.e. landscape elements) to serve as safe resting and gathering places. These areas are equipped with various facilities for passive and active activities, as discussed in Finding 6 above.

### (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 townhouse units and the food or beverage store, with a gas station, proposed with this DSP, have an outward orientation by fronting roadways and open spaces and are intended to serve as a catalyst for adjacent community improvement.

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

The subject DSP includes a mixture of commercial and residential development that is compatible with existing and proposed development in the vicinity. The proposed food or beverage store building and gas station are located in the northern portion of the site, fronting MD 223, which is

compatible with those commercial developments located across MD 223. The residential development, with this DSP, is located in the central and southern portions of the site, gradually transitioning to abutting properties that have been developed with single-family detached residential dwellings and a public school, known as Surrattsville High School. The applicant also provided eight additional options of front elevations of the Jenkins model with no or limited bricks, which are compatible to the Surrat House, for those townhouse units along Brandywine Road that face it.

### (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;

In approving CSP-18004, the Planning Board found the 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. With the subject DSP, the applicant reduced the number of residential units, partially due to the removal of all two-family attached (two-over-two) units, and removed the initially proposed multi-tenant commercial building. Through this DSP, the applicant will also partner with state and local government agencies to improve both MD 223 and Brandywine Road. As a result, the subject DSP will provide services to help sustain and improve the development in the surrounding area.

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

Since the subject DSP includes both residential and commercial developments, it will be developed in phases. In addition to the roadway improvements, the applicant intends to start with the commercial portion along MD 223 and gradually move to the residential portion. Each phase will be self-sufficient while allowing effective integration of subsequent phases.

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

The circulation exhibit, submitted with this DSP, shows that a convenient and comprehensively designed pedestrian system is provided throughout the site. Sidewalks are provided on both sides of all internal private roadways with crosswalks at all access driveways to the site. Additional sidewalks and crosswalks are provided to connect to all proposed townhouse units and the food or beverage store building. An eight-foot-wide sidewalk is provided along the site's frontage of MD 223 and Brandywine, respectively. (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 DSP provides sidewalks throughout the site and several recreation areas as gathering places for future residents, as discussed in Finding 6 above. These areas are designed with hardscape (i.e. pavements) and softscape (i.e. landscape elements), lighting fixtures and street furniture, such as seating and trash receptacles. Therefore, staff find that adequate attention has been paid to human scale, design, and amenities associated with pedestrian activities and gathering areas for people. A condition is included herein requiring the applicant to note on the plans the types and textures of pavements for the proposed recreation areas.

(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 its finding during its review of subdivision plats.

The subject application is a DSP; therefore, this requirement does not apply. However, the Planning Board found conformance with this requirement at the time of approval of CSP-18004 (PGCPB Resolution No. 19-62(C)).

(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).

Adequacy findings associated with this DSP were made through the Planning Board's approval of PPS 4-19006 on September 9, 2021.

(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 is 20.38 acres and is not proposed as a mixed-use planned community.

- d. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following:
  - (2) Parking, loading, and circulation.
    - (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:
      - (i) Parking lots should generally be provided to the rear or sides of structures;
      - (ii) Parking spaces should be located as near as possible to the uses they serve;
      - (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;
      - (iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and
      - (v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.

The subject DSP application includes two surface parking lots. One is located in Parcel V, in which the food or beverage store building and gas station are proposed to be developed. All of the parking spaces are located behind the gas station and around the convenience store, except nine parking spaces along the MD 223 frontage, which are intended for electric vehicle (EV) charging stations. Locating these spaces along the right-of-way, rather than behind the building, advertises the availability of charging spaces to potential customers. When vehicular and pedestrian circulations overlap, crosswalks will be provided to ensure the safety of pedestrians. The parking lots conform to the landscape requirements, as discussed in Finding 10 below. Based on the foregoing, the proposed surface parking is located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars.

Further, all parking within the development is located to provide convenient access to major destination points. As noted, parking for the gas station and food and beverage store is adjacent to the proposed building. The other parking lot is located between the proposed pocket park and the dog park, which primarily serve future residents. Other parking spaces are located on the streets, in the residential area, or in the driveways and garage of the proposed townhouse units.

- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:
  - (i) Loading docks should be oriented toward service roads and away from major streets or public view; and
  - (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.

One loading space is included in this DSP for the proposed food or beverage store building and gas station, which has been discussed in Finding 6 above. The loading space is located to the west of the convenience store. The loading space is also away from the on-site vehicular and pedestrian circulation. Accordingly, it is visually unobtrusive and has minimal conflicts with vehicles and pedestrians.

- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:
  - The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;
  - (ii) Entrance drives should provide adequate space for queuing;
  - (iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;

- (iv) Parking areas should be designed to discourage their use as through-access drives;
- Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;
- (vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;
- (vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;
- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;
- (ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;
- (x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and

### (xi) Barrier-free pathways to accommodate the handicapped should be provided.

The circulation exhibit, submitted with this DSP, shows that the vehicular and pedestrian circulations within the site are planned and designed to be separated in order to achieve a safe, efficient, and convenient living environment for both pedestrians and drivers. Crosswalks are provided when both circulations intersect. Since the subject DSP includes both residential and commercial development, a relatively large size of a parking lot is included in the commercial development area. In addition to two internal vehicular entrances from Road A, there is only one direct vehicular entrance from MD 223, which provides a safe transition into the parking lot and minimizes conflict with off-site traffic. The design of this parking lot will discourage use as a through-access drive. The parking lot is designed to separate pedestrian and traffic circulations, except when both intersect, and is equipped with directional signs to support vehicular traffic flows freely within it. The parking lot includes a combination of sidewalks and striped crosswalks for people to safely access the convenience store. Three handicap-accessible parking spaces are located around the convenience store, with barrier-free pathways for easy access. A condition is included herein requiring the applicant to clearly label directional arrows, lane markings, and

other roadway commands in the parking lot for the proposed convenience store and gas station.

- (3) Lighting.
  - (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site design's character. To fulfill this goal, the following guidelines should be observed:
    - (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;
    - Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;
    - (iii) The pattern of light pooling should be directed on-site;
    - (iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;
    - (v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and
    - (vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.

Lighting for this DSP has been discussed in Finding 6 above, demonstrating adequate illumination for users and for the site in the evening.

(4) Views.

### (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

The subject DSP includes sufficient landscape buffers along MD 223 and Brandywine Road, to preserve, create, or emphasize scenic views from public areas. Special attention was given to the latter, which is designed as a historic road, as discussed in the Finding 10 below. The front elevations of the townhouse units, fronting Brandywine Road, will be designed to be compatible with the Surratt House, furthering the characteristics of this road.

- (5) Green Area.
  - (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:
    - (i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;
    - (ii) Green area should link major site destinations such as buildings and parking areas;
    - (iii) Green area should be well-defined and appropriately scaled to meet its intended use;
    - (iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;
    - (v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;
    - (vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and
    - (vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.

The submitted plan shows green areas provided throughout the site. These areas are spread relatively equally within the subject property to serve different clusters of townhomes. The boundary of these areas is well-defined and scaled to serve different needs. For example, the intent of the proposed pocket park is for passive activities, such as resting and socializing. Its spatial appearance is more confined and is designed with seating. Conversely, the proposed playground is intended for children to be active, while supporting parents to socialize among themselves. The area occupied by the playground will be large, compared to the pocket park. The playground is designed with playground facilities and other elements (e.g. fences and pavements) for safety reasons, to serve its intended purposes. The subject DSP also includes various sites of open space along the edge of the subject property or located along roadways and alleys and between sticks of townhomes. The size, shape, location, and design of green areas are appropriate to enhance landscape screening for privacy of the townhouse units, as

well as to enhance streetscape visually and environmentally. The provision of recreation areas, with facilities, is easily accessible to maximize its utility and to simplify its maintenance, while fostering a sense of community within the subject development.

(B) The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The approved NRIs confirm there are no regulated environmental features located on-site or immediately adjacent to the site. Therefore, there are no impacts to regulated environmental features, as a result of this DSP application.

- (6) Site and streetscape amenities.
  - (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:
    - (i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;
    - The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;
    - (iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;
    - (iv) Amenities should be functional and should be constructed of durable, low maintenance materials;
    - Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;
    - (vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and
    - (vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.

The submitted plans, including the landscape and lighting plans, demonstrate that the subject DSP is in conformance with this design guideline. Site and streetscape amenities are designed to contribute to an attractive, coordinated development, which enhances the use and enjoyment of the site. Such detailed discussion was addressed in Finding 6 above.

### (7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:
  - Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;
  - (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;
  - (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;
  - (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and
  - (v) Drainage devices should be located and designed so as to minimize the view from public areas.

The subject property was rough graded after approval of CSP-18004. The submitted existing conditions sheet shows the site is relatively flat. This will minimize the need for grading and additional disruption to the existing topography. The submitted plans also show the location of retaining walls that are included to enhance stability.

### (8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:
  - (i) Service areas should be located away from primary roads, when possible;

- (ii) Service areas should be located conveniently to all buildings served;
- (iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and
- (iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

The service areas will only be located in Parcel V, with commercial development. The submitted plans show that the location of the proposed trash dumpster, which is screened with an enclosure, and one loading space are accessible, but unobtrusive. No screening is provided for this loading space. Therefore, a condition is included herein requiring the applicant to expand the planting island located at the northwest corner of the food or beverage store building, with additional plantings, to shield this loading space from public view on MD 223 (Piscataway Road).

- (9) Public Spaces.
  - (A) A public space system should be provided to enhance a largescale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:
    - (i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;
    - (ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;
    - (iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;
    - (iv) Public spaces should be readily accessible to potential users; and
    - (v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.

The subject DSP provides multiple public spaces throughout the site, which was discussed in detail in Finding 6 above. These spaces are designed to be accessible to future residents and are equipped with facilities to support active and passive activities.

### (10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.
- (C) These guidelines may be modified in accordance with Section 27--277.

A detailed discussion regarding architecture has been addressed in Finding 6 above.

- (11) Townhouses and three-family dwellings.
  - (A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

The subject property was rough graded after approval of CSP-18004. All the townhouses in this DSP are designed with rear-loading garages and are served by alleys. When the rears of the townhomes face the roadway, plantings and landscaped areas are provided for screening.

(B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways. Groups of townhouses in this DSP are designed at right angles to each other. As a result, several open spaces are created at the edges or corners of each group to serve as green areas or to be designed as gathering spaces with recreational facilities to support the intended uses.

(C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.

The subject DSP includes several recreation areas, as discussed in Finding 6 above. These areas are located on specific parcels and are separated from townhouses by the proposed landscaped areas.

(D) To convey the individuality of each 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. In lieu of this individuality guideline, creative or innovative product design may be utilized.

The subject DSP includes the Jenkins (20 feet wide) and Parker (18 feet wide) models for the proposed townhouses. Both models offer a variety of front elevations, which consist of a mixture of building materials and architectural features/elements, as discussed in Finding 6 above, to avoid architectural repetition.

(E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

Townhouse lots are fronting streets, except those with a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations, approved under PPS 4-19006, which are fronting open space. Landscaping is provided for buffering when rear yards of dwelling units face a street.

### (F) Attention should be given to the aesthetic appearance of the offsets of buildings.

The townhouse units, proposed with this DSP, comply with this guideline. The submitted architectural elevations show that attention is given to the aesthetic appearance of the townhouses. Highly visible lots are also noted on the plans to ensure that side elevations facing a roadway are designed with various architectural features, so as not to be left as blank walls.

- e. This application is located within the M-I-O Zone for height: Conical Surface for the left runway of 20:1. The subject property is located approximately 15,160 feet from the runway. Therefore, structures up to 758 feet in height could be constructed at this location, without becoming an obstacle to air navigation. Among all residential and commercial buildings proposed with this DSP, townhouse units designed with the Jenkins model will be the highest, which is approximately 36.6 feet
- 8. **Conceptual Site Plan CSP-18004:** The Planning Board approved CSP-18004 on October 2, 2019 (PGCPB Resolution No. 19-62(C)), subject to three conditions. The conditions relevant to this DSP are listed below, in **bold** text. Staff's analysis of the preliminary plan's conditions follows each one, in plain text:

### 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.

The submitted site plans include sidewalks and marked crosswalks along internal streets.

### b. Provide bicycle parking at the commercial space. The number and location will be determined with the DSP.

The subject DSP includes a total of 24 bicycle parking spaces, which are provided at the commercial and recreational spaces throughout the site.

### 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.

The townhouse units along Brandywine Road, which face the Surratt House, will be designed with the Jenkins model. This model is 20 feet wide, with a rear loaded two-car garage, and is approximately 36.6 feet in height to the midpoint of a side gable roof. This model is offered with architectural variations including cross gable fronts, shed roof entrance covers, bay windows, and rear decks, and a variety of materials including fiberglass roof shingles, fiberglass doors, vinyl windows, horizontal and vertical siding. The applicant provided eight additional options of front elevations for these townhouse units, which eliminate stone veneer and restrict the use of brick

to 4-foot-high watertables. The intent of these additional options is to be compatible with the Surratt House and maintain the character of the historical site.

- **9. Preliminary Plan of Subdivision (PPS) 4-19006:** PPS 4-19006 was approved by the Planning Board on September 9, 2021 (PGCPB Resolution No. 2021-102), subject to 20 conditions. The conditions relevant to this DSP are listed below, in **bold** text. Staff's analysis of the preliminary plan's conditions follows each one, in plain text:
  - 2. Total development within the subject property shall be limited to uses that would generate no more than 288 AM and 310 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

The submitted trip generation matrix demonstrates that the proposed uses will not exceed the trip cap established by PPS 4-19006.

5. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.

The subject DSP does not substantially affect Subtitle 24 adequacy findings, established with PPS 4-19006. A new PPS is not required at this time.

#### 7. Development of the site shall be in conformance with Stormwater Management Concept Plan (38561-2018-00) and any subsequent revisions.

The site has two approved Stormwater Management (SWM) Concept Plans 17615-2014-01 and 38561-2018-00 and associated letters, which are valid until December 9, 2026, and January 12, 2027, respectively. The subject DSP is in conformance with both SWM concept plans.

### 8. Prior to approval of a final plat:

### a. The final plat shall grant 10-foot-wide public utility easements along both sides of public rights-of-way, and one side of private rights-of-way.

The submitted plans for this DSP reflect the location of public utility easements along both sides of public rights-of-way and one side of private rights-of-way, taking into account the subdivision final plat requirements.

12. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant, and the applicant's heirs, successors, and/or assignees shall provide adequate on-site and off-site recreational facilities. The subject DSP includes multiple recreation areas, with facilities, to demonstrate conformance with this condition. Detailed discussion was addressed in Finding 6 above.

14. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Appropriate triggers for construction shall be established with the DSP.

The subject DSP includes various recreation areas to support passive and active activities, as discussed in Finding 6 above. The valuation of these facilities exceeds the formula for determining the value of recreation facilities to be provided. Staff have reviewed the timing for construction of the proposed recreational areas as shown on the plans and found they are appropriate, except the timing for sitting areas, which is conditioned herein.

- 16. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land, as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Maryland-National Capital Park and Planning Commission.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.

f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

The approval of PPS 4-19006 included 9 parcels for two-family attached dwelling units, 136 lots for single-family attached (townhouse) development, 34 parcels for open space and private roads to be conveyed to a homeowners association (HOA), and 11 parcels for commercial development. The subject DSP proposes 8 parcels for single-family attached condominium dwellings (reducing the previously anticipated use of these parcels with two-family attached dwelling units), 134 lots for single-family attached dwellings (fee simple), 18 parcels for open space and private roads to be conveyed to an HOA, 1 parcel for commercial development, and 2 parcels (Parcels D and H) which have been identified as to be retained by the owner.

The total parcels shown in the DSP are within the maximum established by PPS 4-19006. The lotting pattern shown on the DSP is consistent with the PPS, except that lots and parcels have been reduced, adjusted, and/or consolidated in order to address historic compatibility, the increase of open space to meet current tree canopy coverage (TCC) requirements, and the final design for commercial development areas. The layout is consistent with PPS 4-19006 by organizing commercial development toward MD 223, with residential development to the south of the commercial area and along Brandywine Road.

However, proposed Parcel D (indicated to be retained by owner) is an open space parcel which should be indicated to be conveyed to the HOA. Conveyance of the indicated parcels to the HOA will be required to be completed, prior to approval of building permits, in accordance with the above condition.

- 18. Prior to acceptance of a detailed site plan (DSP), in accordance with the 2009 *Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities and shall show the following facilities on the DSP:
  - a. Minimum 8-foot-wide sidewalk along the property frontage of MD 223, unless modified with written correspondence by the Maryland State Highway Administration.

The submitted site plans show an 8-foot-wide sidewalk provided along the property frontage of MD 223.

b. A minimum of two inverted U-style bicycle racks, or a style similar that allows two points of secure contact, at all proposed recreation and commercial areas.

This subject DSP includes 12 inverted U-style bicycle racks for a total of 24 bicycle parking spaces in four locations.

- 19. Prior to the approval of any detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall:
  - a. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mary Surratt House Museum Historic Site be reviewed for compatibility with this internationally significant property.

The townhouse units along Brandywine Road, which face the Surratt House, will be designed with the Jenkins model. This model is 20 feet wide, with a rear loaded two-car garage, and is approximately 36.6 feet height to the midpoint of a side gable roof. This model is offered with architectural variations including cross gable fronts, shed roof entrance covers, bay windows, and rear decks, and a variety of materials including fiberglass roof shingles, fiberglass doors, vinyl windows, horizontal and vertical siding. The applicant provided eight additional options of front elevations for these townhouse units, which eliminate stone veneer and restrict the use of brick to 4-foot-high watertables. The intent of these additional options is to be compatible with the Surratt House and maintain the character of the historical site. The submitted photometric plan shows that no lights will spill over to the historic site.

b. Provide a plan for any interpretive signage to be erected as well as any public outreach measures to be taken. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission Historic Preservation staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.

The subject DSP application provides the location and wording of two interpretive signs, which have been approved by staff from the Historic Preservation Section. The two interpretive signs will be located in the proposed pocket park (Parcel T), located west of Road A. These signs will be oriented toward the American Legion Post building, which was previously the Clinton Rosenwald School and was the site of an older Freedmen's Bureau School. One interpretive sign will focus on the Clinton Rosenwald School and the other will focus on the Freedmen's Bureau School. While not directly related to the history of Mary Surratt House, the signs create other points of interest related to the history of Clinton as encouraged by the Sector Plan. These signs will be conveyed to the homeowners association. Installation of the interpretive signage should occur at the time of construction of the pocket park, which is conditioned herein.

20. Prior to the approval of a detailed site plan, the applicant shall perform additional archeological investigations in the northern portion of Lot 2 and on Parcel 226, as specified in the Plan for Additional Archeological Investigations, dated August 27, 2021. Further, if it is determined, as outlined in the Plan, that potentially significant archeological resources exist in the areas specified in said Plan, the triggers and requirements provided for in the

#### Plan regarding subsequent investigations or a mitigation plan to ensure that any artifacts are curated in a proper manner shall be followed.

Staff from the Historic Preservation Section received the draft report for this archeological work on January 12, 2023. After reviewing it, staff from the Historic Preservation Section accepted the consultant's recommendations of no further work necessary, on January 26, 2023. The final copy of the report was received on February 8, 2023. There were no artifacts to be curated.

10. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.1, Residential Requirements; Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; 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. The submitted landscape plans show conformance to these requirements, except some schedules that require minor revisions. Regarding Schedule 4.1-2, a condition is included herein requiring the applicant to revise it, because the total number of townhouse units with this DSP is 191. Regarding Schedule 4.2-1 for Roads A and B, conditions are included herein requiring the applicant to label the linear feet of the Road B street frontage on the plan and remove the schedule for Road A. Regarding Schedule 4.6-2, for Buffer A, a condition is included herein to revise this schedule to reflect the correct property boundary. Regarding Schedule 4.7-1 for Bufferyard I, one condition is included herein requiring the applicant to correct the total number of required and provided plant units to be 113 and 140, respectively. In addition, the total number of shade trees in Schedule 4.9-1 is inconsistent with the total number of shade trees in the Tree Canopy Coverage Schedule. The schedules, which require revisions/corrections, may also slightly change the total number of shade, ornamental, and evergreen trees and shrubs provided with this DSP. Conditions are included herein requiring the applicant to revise Schedule 4.9-1 and to revise the plant schedule accordingly, for consistency.

In addition, Alternative Compliance AC-23005 has been filed with this DSP from the requirements of Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and, Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. Specifically, the applicant seeks relief, as follows:

#### Section 4.6, Buffering Development from Streets

The applicant has requested alternative compliance from the requirements of Section 4.6 of the Landscape Manual, along it's Brandywine Road frontage, which is designated as a historic road. A historic site, Mary Surratt House, is located across Brandywine Road from the subject property. As the subject property is in the prior Developing Tier, this requires the applicant to provide a minimum of a 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The applicant seeks relief from these requirements, as follows:

### **REQUIRED:** Section 4.6(c)(2)(A)(ii). Buffering Development from Streets, Buffer B, along Brandywine Road

Length of bufferyard	583 linear feet
Minimum landscape yard	20 feet
Plant units (80 per 100 linear feet)	467

### <u>PROVIDED: Section 4.6(c)(2)(A)(ii). Buffering Development from Streets. Buffer B.</u> <u>along Brandywine Road</u>

Length of bufferyard	583 linear feet
Minimum landscape yard	20 feet
Plant units inside the bufferyard*	291
Plant units outside the bufferyard**	240

**Notes:** \*The submitted landscape plans show 20 shade trees, 5 ornamental trees, and 66 shrubs located within the required 20-foot-wide bufferyard, for a total of 291 plant units.

\*\*Eight shade trees and two ornamental trees will be planted behind the required bufferyard, and approximately 140 shrubs and numerous ornamental grasses will be planted within the ROW of Brandywine Road. These additional plantings result in a total of 240 plant units.

#### Justification of Recommendation

The applicant cited that they dedicated a portion of the property along the Brandywine Road frontage, for its expansion and improvements. This roadway dedication area encroaches approximately 22 feet at the northern end of the property to approximately 46 feet at the southern end of the property. As an alternative, the applicant provides nine shade trees and two ornamental trees behind the required 20-foot-wide bufferyard, and approximately 140 shrubs and numerous ornamental grasses within the ROW of Brandywine Road. These additional plantings, with the trees planted within the required bufferyard, will result in a total of 531 plant units, which exceeds the required 467 plant units. The submitted site plans show two sticks of townhouse units directly along Brandywine Road, facing the Mary Surratt House Historic Site. The applicant also redesigned the front elevation of the Jenkins house model to provide eight front elevation options that are compatible with the design and characteristics of the Mary Surratt House, as reviewed by the Historic Preservation Commission. In addition, the applicant plans to install a rail fence on the west side of Brandywine Road, to be consistent with the existing fences on the historic site. For these reasons, the Planning Director finds the applicant's proposal equally effective as normal compliance with Section 4.6, subject to one condition requiring the applicant to revise Schedule 4.6-2 with the correct schedule.

#### Section 4.7, Buffering Incompatible Uses

The applicant has requested alternative compliance from the requirements of Section 4.7 of the Landscape Manual, along the western property line, where the proposed gas station borders as adjacent American Legion Post. This is referred to as Bufferyard H on the landscape plans. The adjacent American Legion Post is classified as Medium (M) impact and

requires a Type B bufferyard, which consists of a 30-foot minimum building setback, a 20-foot minimum landscape yard, and 80 plant units per 100 linear feet of property line. The applicant seeks relief from these requirements, as follows:

### <u>REQUIRED: Section 4.7, Buffering Incompatible Uses, Buffer H, adjacent to a club/lodge use</u>

Length of bufferyard	267 linear feet
Minimum building setback	30 feet
Minimum landscape yard	20 feet
Fence or wall	Yes, for 267 linear feet
Plant units (80 per 100 linear feet)*	107

**Note:** \*The requirement is 40 plant units per 100 linear feet, for the length of bufferyard with the 6-foot-high opaque fence.

### <u>PROVIDED: Section 4.7, Buffering Incompatible Uses, Buffer H. adjacent to a club/lodge use</u>

Length of bufferyard	267 linear feet
Minimum building setback	39 feet
Minimum landscape yard	7–31 feet
Fence or wall	Yes, for 267 linear feet
Plant units	197

### Justification of Recommendation

The landscape plan does not provide the minimum 20-foot landscape yard width for the entire bufferyard length, but the applicant has provided 90 additional plant units. In addition, the applicant will install a 6-foot-tall screen fence along the entire bufferyard, for enhancement of the screening. The proposed fence reduces the plant unit requirement by 50 percent, in accordance with Section 4.7(c)(4)(E) of the Landscape Manual, for the length it is provided. Therefore, the Planning Director finds the applicant's proposal is equally effective as normal compliance with Section 4.7 of the Landscape Manual.

#### Section 4.10, Street Trees Along Private Streets

The applicant requests alternative compliance for Roads B, C, and E from Section 4.10(c) of the Landscape Manual, which requires one street tree per 35 linear feet of frontage. The applicant seeks relief from these requirements, as follows:

### REQUIRED: Section 4.10(c)(2). Street Trees Along Private Streets (Road B)

Length of Street Frontage	624 linear feet
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	18

### PROVIDED: Section 4.10(c)(2). Street Trees Along Private Streets (Road B)

Length of Street Frontage	642 linear feet
Width of Landscape Strip	5 feet
Shade Trees	14
Shade Trees*	6
Ornamental Trees*	10

**Note:** \*Additional shade and ornamental trees are proposed to be planted in proximity to the Road B frontages.

#### **<u>REQUIRED: Section 4.10(c)(2). Street Trees Along Private Streets (Road C)</u></u>**

Length of Street Frontage	1,023 linear feet
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	29

#### PROVIDED: Section 4.10(c)(2), Street Trees Along Private Streets (Road C)

Length of Street Frontage	1,023 linear feet
Width of Landscape Strip	5 feet
Shade Trees	19
Shade Trees*	8
Ornamental Trees*	6

**Note:** \*Additional shade and ornamental trees are proposed to be planted in proximity to the Road C frontages.

#### **<u>REQUIRED: Section 4.10(c)(2). Street Trees Along Private Streets (Road E)</u></u>**

Length of Street Frontage	478 linear feet
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	14

#### PROVIDED: Section 4.10(c)(2), Street Trees Along Private Streets (Road E)

Length of Street Frontage	478 linear feet
Width of Landscape Strip	5 feet
Shade Trees	8

#### Justification of Recommendation

The proposed landscape plan does not provide the required amount of street trees within the private rights-of-way for Roads, B, C, and E. The applicant cited spatial limitations due to the placement of necessary infrastructure, such as light poles, fire hydrants, sidewalks, on-street parking, and public utility easements. As an alternative for Road B, the applicant indicates 10 ornamental trees and six shade trees are proposed to be located on both sides of the entries to Road B from Road A and Alley 13, respectively. When adding these trees to the proposed 14 street trees, the total number of trees will be 20 shade trees and 10 ornamental trees.

For Road C, the applicant indicates eight shade trees and six ornamental trees are proposed to be located in proximity to the Road C frontage. When adding these additional trees to the proposed 19 street trees, the total number of trees will be 27 shade trees and six ornamental trees.

For Road E, the applicant indicates both Alleys 5 and 7, which connect to Road E, are designed with street trees, which is atypical for alleys. This development is quite different in that many of the alleys include street trees and sidewalks, even though they are technically alleys. The private roads contain on-street parking, and therefore, fall short of meeting the street tree requirements within the ROWs, but the overall site development, when adding in the trees along the alleys, creates unified, pedestrian-friendly streetscapes.

Given the purposes and objectives of Section 4.10 of the Landscape Manual, and the additional trees provided in proximity to the frontages, the Planning Director finds the applicant's proposal is equally effective as normal compliance with Section 4.10(c) of the Landscape Manual for Roads B, C, and E, subject to two conditions to correct the title and information of Item 12 in Schedule 4.10-1, and labeling the linear feet of Road E.

**11. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the grandfathering provisions of the 2024 Woodland Conservation Ordinance because the property had a Tree Conservation Plan (TCP1-002-2019) associated with CSP-18004, that was accepted for review on March 4, 2019, which was before June 30, 2024, and shall conform to the environmental regulations of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO).

The woodland conservation threshold (WCT) for this 21.26-acre property, which includes the entire area associated with CSP-18004 and is larger than the area for the subject DSP, is 15 percent of the net tract area or 3.19 acres. The previous TCPs were approved by meeting the woodland conservation requirements with 11.69 acres of off-site woodland credits.

The 10.73-acre front portion of the property along MD 223 has been mass graded in accordance with TCP2-015-14-01, which showed the woodland requirements were met by purchasing 4.16 acres of afforestation credits at the Brown Preserve Woodland Conservation Bank TCP2-098-05. As part of the subject TCP2, the remaining woodland conservation requirement (7.53 acres) has been previously approved with PPS 4-19006 for off-site woodland credits.

12. Prince George's County Tree Canopy Coverage Ordinance: Prince George's County Council Bill CB-21-2024, for the Tree Canopy Coverage Ordinance, became effective July 1, 2024. Subsequently, 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 2,500 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site is located within the RMF-48 Zone, which requires a minimum of 20 percent of the net tract area to be covered by tree canopy. The net tract area of the subject property is approximately 20.38 acres and the required TCC is approximately 4.08 acres or 177,551 square feet. The TCC schedule shows the subject DSP provides the TCC of approximately 174,265 square feet (approximately 19.63 percent), which is 3,286 square feet (approximately 0.37 percent) less than the requirement. Therefore, a waiver from the requirements has been requested in accordance with Section 25-130(a), which reads as follows:

# (1) Topography, site limitations, or other site conditions are such that the full compliance to the requirements are impossible or impractical to comply with the provision of tree canopy coverage on the site in accordance with this Division;

The property has frontage on both Brandywine Road and MD 223. The applicant must dedicate land to widen both rights-of-way. In addition, the applicant must construct a public road that bypasses the intersection of Brandywine Road and MD 223 traversing the subject property. With respect to Brandywine Road, typically, property owners only dedicate land for half of an abutting right-of-way measured from its centerline. However, because the property confronts the historic Surratts House across Brandywine Road, the applicant is dedicating the remaining right-of-way required for the full width of Brandywine Road. The total right-of-way dedication for Brandywine Road is 22,170 square feet. In total for all three roads, the applicant will dedicate 94,003 square feet of right-of-way and may even need to dedicate substantial right-of-way to develop. However, this site differs from the typical case, in that the applicant must dedicate additional right-of-way due to the presence of the Surratts House across Brandywine Road.

The Sector Plan recommends that the property be developed with a mixed-use residential project. In accordance with the Sector Plan recommendation, the District Council rezoned the subject property to the M-X-T Zone. The 94,003 square feet of right-of-way dedication required constrains the area in which the applicant can develop the recommended mixed-use residential project. Accordingly, the applicant is providing a compact form of development that, nonetheless, is in line with the Sector Plan recommendations and delivers adequate supporting infrastructure. circulation, parking, and recreational amenities. The applicant is also maximizing TCC within this limited area. However, providing the additional 3,286 square feet of tree canopy required would entail removing dwelling units and/or parking and circulation infrastructure that is necessary to support the proposed development. Specifically, planting additional trees would entail the removal of on-street parking spaces and/or the redesign of on-site vehicular and pedestrian circulation. The removal of such infrastructure would result in insufficient circulation patterns and/or inadequate parking. Thus, staff find that the right-of-way dedications required for this site are a site condition that renders full compliance with the TCC requirements impractical.

(2) Provision of the full extent of the tree canopy coverage requirement cannot reasonably be expected because of a lack of rooting space and or soil volume to accommodate healthy tree growth.

As noted, the subject property is an infill site that requires 94,003 square feet of right-of-way dedication to develop, which limits the area for the development, supporting infrastructure, and trees. The applicant has provided 19.63 percent of TCC. However, any more trees cannot be reasonably expected, as it would compromise the rooting space and the survivability of the planted trees. Any trees added would either be too close to currently proposed trees and/or the development and its supporting infrastructure to survive.

### (3) The planting of additional trees will result in the need to remove existing pavement being used to meet other County Code requirements;

The subject property has no existing pavement, which is being utilized to meet County Code requirements. Accordingly, this finding is inapplicable.

### (4) Existing or proposed parking and loading spaces are not in excess of the minimum necessary according to Subtitle 27, Part 11, Parking and Loading Standards; and

As discussed in Finding 2 above, the parking and loading spaces proposed with this DSP are not in excess of the minimum necessary, in accordance with Section 27-574 of the prior Zoning Ordinance.

Staff also notes that, for the proposed townhomes, in addition to parking in the garages and driveways of the proposed units, the applicant proposes approximately 129 on-street parking spaces to meet the parking demand. The subject property is not near rapid mass transit systems that would allow most residents and visitors to arrive in a car-free manner. Thus, the removal of additional on-street parking spaces to provide additional tree canopy would result in inadequate parking.

#### (5) The waiver is the minimum necessary based on the criteria above.

The applicant has demonstrated that planting to fully meet the TCC requirements on-site is impractical and that the requested partial waiver is the minimum necessary, based on the criteria above. The applicant has maximized the tree canopy on-site, but cannot provide the additional 3,286 square feet of tree canopy required without removing infrastructure necessary to serve the proposed development. In particular, to meet the updated 20 percent TCC requirement, compared to the anticipated development under CSP-18004 and PPS 4-19006, the applicant has significantly reduced the scope of the development with this DSP, by reducing approximately 37 residential units and removing one initially planned multi-tenant commercial of approximately 10,000 square feet. In this manner, the applicant has maximized TCC to the maximum extent practicable. Accordingly, the partial waiver is the minimum necessary.

**13. Referral comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by reference:

- a. **Historic Preservation and Archeological Review**—The Historic Preservation Commission (HPC) reviewed the subject application at its December 17, 2024 meeting. The HPC voted 7:0 to recommend that the Planning Board approve the subject application, with one condition, which is included in the Recommendation section of this report. HPC provided findings and conclusions in a memorandum, dated December 18, 2024, which are incorporated herein for reference and review by the Planning Board.
- b. **Community Planning**—In a memorandum dated November 12, 2024 (Arsenault to Huang), the Community Planning Division provided an evaluation of the subject development, which is incorporated in the report.
- c. **Transportation Planning**—In a memorandum dated December 6, 2024 (Daniels to Huang), the Transportation Planning Section offered the following comments:

#### **Master Plan Right of Way**

The property has frontage on Brandywine Road (C-513), a master-planned collector with an 80-foot ultimate ROW and Piscataway Road (A-54) an arterial road with a 210-foot ultimate ROW, in accordance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The ROW along both frontages were reviewed at the time of PPS, and no additional dedication is required with this application.

#### **Master Plan Pedestrian and Bicycle Facilities**

The MPOT and Sector Plan recommend the following facilities:

Planned Side Path: Brandywine Road and Piscataway Road

Planned Bicycle Lane: Brandywine Road

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The site plan includes an 8-foot-wide sidewalk along the property's frontage of MD 223, in addition to an 8-foot-wide side path along the property's frontage of Brandywine Road, as well as curb ramps and crosswalks at vehicular access points. The master plan facilities connect to an internal system of 5-foot-wide sidewalks

that provide connection to the retail and residential portions of the site. The planned facilities allow pedestrians to circulate the site's amenities while limiting the interaction between motorists and pedestrians. Staff find the proposed facilities meet the intent of the master plan.

The site plan also proposes dedicated space for bicycle parking to accommodate 24 short-term spaces on-site. Staff find the proposed facilities and amenities meet the intent of the policies and goals of the MPOT and Sector Plan and are consistent with prior approvals.

- d. **Subdivision**—In a memorandum dated December 23, 2024 (Bartlett to Huang), the Subdivision Section provided a review of the subject DSP for conformance with the conditions attached to the approval of PPS 4-19006. The relevant comments have been included in the above findings of this report. Subdivision staff also offered the following comments:
  - (1) A final plat application will be required following approval of the DSP, before any permits may be approved.
  - (2) Bearings and distances shown on the DSP must conform to the final record plat, or permits may be placed on hold.
  - (3) Proposed Parcel H shown on the DSP is an open space parcel attributable to the commercial parcel/development shown on PPS 4-19006 as Parcel O (indicated on the DSP as Parcels A and B, not included in the DSP). Parcels N and O, as shown on PPS 4-19006, were for commercial development along MD 223; however, these have not been included in the DSP, as the applicant intends to proceed with their development under the current Zoning Ordinance, in accordance with Section 27-1704(f), which does not require DSP approval. These parcels, however, will still need to be platted, in accordance with the PPS, in order to maintain the PPS and ADQ validity.

PPS 4-19006 did not include commercial open space parcels, or outlot, or outparcels coincidental to the commercial areas. Instead, these areas should be incorporated into and located on the commercial parcels. Therefore, Parcel H should be removed and the area incorporated into Parcel B (Parcel O as shown on PPS 4-19006), and not within the DSP area. It is noted that grading of the commercial area not included in this DSP will be necessary, in order to grade for the public roadway to be built through the development and abutting these parcels. While Parcels A and B are not included in this DSP, they were included in the CSP and PPS for the overall site and, when developed pursuant to the current Zoning Ordinance, do not require DSP approval. Therefore, they may proceed to permit approval.

(4) Due to the reorganization and/or reduction of lots and parcels shown on the DSP, and recommendations as discussed above, the parcel and lot designations will need to be reorganized to maintain consecutive numbering/lettering.

e. **Environmental Planning**—In a memorandum dated December 2, 2024 (Schneider to Huang), the Environmental Planning Section offered the following:

#### **Natural Resources Inventory**

There have been several natural resources inventory plans approved for this location. First, there was NRI-087-07, which was for the majority of the site, except the parcel owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), and then an NRI revision (NRI-087-07-01) approved on February 5, 2015.

Later, NRI-115-2018 was approved on November 9, 2018, and referenced solely the M-NCPPC-owned property and the adjacent, existing office building. NRI-087-07-02 was approved on May 10, 2023, for the entire application area, and this plan was provided with the subject DSP application. The TCP2 and the DSP show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

#### **Specimen Trees**

A variance to remove one on-site specimen tree was approved with CSP-18004. No additional specimen trees are requested for removal with this DSP application.

#### **Stormwater Management**

The site has two approved SWM Concept Plans 17615-2014-01 and 38561-2018-00 and associated letters, which are in conformance with the current code and are valid until December 9, 2026, and January 12, 2027, respectively. The SWM concept plans show the use of environmental site design elements such as micro-bioretention and submerged gravel wetlands to address water quality requirements. No SWM fee for on-site attenuation or quality control measures is required. The approved concept plan is consistent with the detailed site plan.

- f. **Permit Review Section**—In a memorandum dated November 12, 2024 (Jacobs to Huang), the Permit Section offered several comments on this DSP application, which have been addressed by the applicant.
- g. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated December 9, 2024 (Thompson to Huang), DPR provided comments on this application, which were addressed by the applicant on the submitted plans. In addition, DPR noted that the proposed passive and active recreation areas, as on-site recreation amenities, satisfy the requirements for the proposed development, as discussed in Finding 6 above.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 24, 2024 (de Guzman to Huang), DPIE noted that the subject DSP is consistent with the approved SWM Concept Plans, 38561-2018-0 and 17615-2014-01, and provided comments pertaining to the approval of SWM.
- i. **Price George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on this application.

- j. **Prince George's County Fire/EMS Department**—In a memorandum dated October 2, 2024 (Reilly to Huang), the Fire/EMS Department offered fire-related comments, which will be addressed, at the time of permit.
- k. **Prince George's County Health Department**—In a memorandum dated October 11, 2024 (Adepoju to Huang), the Health Department offered comments addressing construction activity impacts (noise and dust) extending onto adjacent properties during construction and indicated that the applicant is required to register all sources of air pollution with the Maryland Department of the Environment, Air and Radiation Management Administration. Such sources include gasoline underground storage tanks, degreasing tanks, and paint spraying operations.
- l. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, WSSC did not offer comments on this application.
- m. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer comments on the subject application.
- n. **Public Utilities**—The subject DSP application was referred to Verizon, Comcast, AT&T, the Potomac Electric Power Company (PEPCO), and Washington Gas for review and comments on November 1, 2024. At the time of the writing of this technical staff report, no correspondence has been received from these public utility companies except AT&T. In a memorandum dated November 20, 2024 (Sutton to Grigsby), AT&T indicated that AT&T Core/AT&T Legacy/AT&T Long Distance does not have facilities in the area of the proposed project.
- 14. Community feedback: Two public inquiries were received prior to the writing of this technical staff report. On August 14, 2024, Mr. Steve Gershman contacted staff and expressed his concerns of overdevelopment and no additional infrastructure, Police, Fire, Emergency Medical Technicians (EMT) and 911 operators to support the subject DSP as well as the community. These concerns were addressed under PPS-19006, which was approved by the Planning Board on September 9, 2021. Adequacy of public facilities was addressed at that time, under the Subdivision Regulations effective prior to April 1, 2022. Based on this approval and under current Subdivision Regulations, this PPS has an automatic certificate of adequacy, effective April 1, 2022, that is valid for 12 years, until April 1, 2034. On October 10, 2024, Ms. Nickmime Dambreville contacted staff from the Urban Design Section and asked how to become a party of record and how to provide comments on this subject DSP to the Planning Board. On the same date, staff provided the requested information to her in an email (Huang to Dambreville).
- **15.** Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

- **16.** As required by Section 27-285(b)(2) of the prior Zoning Ordinance, the subject DSP application is in conformance with the approved CSP-18004.
- **17.** Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
- **18.** As required by Section 27-285(b)(4) of the prior Zoning Ordinance, the Planning Board may approve a DSP if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5). According to information available on PGAtlas and the approved NRIs, there are no REF located on-site or immediately adjacent to the site. Therefore, no impacts are proposed with this DSP application.

#### RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Prince George's County Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-23006, Alternative Compliance AC-23005, Type 2 Tree Conservation Plan TCP2-015-14-02, and a waiver from Section 25-128(b), for Clinton Market Place North, subject to the following conditions:

- 1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall revise the detailed site plan (DSP), as follows, or provide the specific documentation:
  - a. Regarding the General Notes on the coversheet:
    - (1) Note in the General Notes that, among 191 residential units, 134 units are fee-simple townhouse units, and 57 units are condominium townhouse units.
    - (2) Add the lot coverage of the subject development to General Notes.
    - (3) Correct the total acreage of the subject property in General Notes 2, 6 and 8 to remove the land area of proposed Parcel H.
    - (4) Correct the total number of parcels in the General Note 5 to account for the removal of proposed Parcel H.
    - (5) Indicate on the coversheet lot and parcel table that Parcel D is open space to be conveyed to the homeowners association.
  - b. Regarding the parking schedule:
    - (1) Revise the parking note for townhouse units to indicate that a total of 349 spaces are in the garages and a total of 349 spaces are located in the driveways.
    - (2) Correct the total number of on-street parking spaces to 129.

- (3) Correct the total number of parking spaces for the residential development to 827 in the parking schedule.
- (4) Note that among the 827 parking spaces for the residential development, 747 spaces are nonparallel standard size (9.5 feet by 19 feet), and 80 spaces are parallel standard size (8 feet by 22 feet).
- (5) Label the dimensions of parking spaces on the plans.
- (6) Remove one parking space from the proposed food or beverage store building and gas station.
- c. Regarding architecture:
  - (1) Add the eight additional elevations (AB, AC, AD, AE, AF, AG, AH, AJ) for the Jenkins model to the model templates on Sheet 3, which will only be used for the lots fronting on Brandywine Road and facing the Surratt House.
  - (2) Clearly label the building height on the architectural elevations.
  - (3) Clearly label the siding materials on the architectural elevations.
- d. Regarding recreational facilities:
  - (1) Provide additional dog waste stations along the internal sidewalks and indicate their locations on the plans.
  - (2) Correct the permit timing for sitting areas on the coversheet and on Sheet 8 of the landscape plan set since the number of townhouse units, proposed by this DSP, is 191.
- e. Regarding signage:
  - (1) Correct the height of the proposed freestanding sign for the food or beverage store building and gas station to be 20 feet high.
  - (2) Correct the location of the proposed freestanding sign for the food or beverage store building and gas station shown on the plans and in the signage package for consistency.
  - (3) Remove "(3) Height (maximum) of Sign (from base to top) No requirement" in the Standards for Specific Sign Types in the Sign Standards.
  - (4) Note on the plan that freestanding signs approved with this DSP shall be the maximum.
- f. Remove Parcel H from the Parcel Schedule on the coversheet, to reflect its area as part of Parcel B and not included in this detailed site plan (DSP), and revise the boundary of the property for the subject DSP throughout the submittal.

- g. Clearly label directional arrows, lane markings, and other roadway commands in the parking lot for the proposed convenience store and gas station.
- h. Renumber and re-letter the lots and parcels to maintain consecutive numbering and lettering.
- 2. Prior to certification, the applicant shall revise the landscape plans, as follows:
  - a. Expand the planting island located at the northwest corner of the food or beverage store building, with additional plantings, to shield this loading space from the public view on MD 223 (Piscataway Road).
  - b. Revise Schedule 4.1-2, because the total number of townhouse units, with this detailed site plan, is 191.
  - c. Clearly label the linear feet of the Road B street frontages on the plans to be consistent with the information in Schedule 4.2-1 for Road B.
  - d. Remove Schedule 4.2-1 for Road A from the landscape plans.
  - e. Revise Schedule 4.6-2, for Buffer A, to reflect the correct property boundary
  - f. Revise Schedule 4.6-2, for Buffer B, with the correct schedule for Buffering Development from Special Roadways.
  - g. Correct the total number of the required and provided plant units in Schedule 4.7-1, for Bufferyard I, to be 113 and 140, respectively.
  - h. Revise Schedule 4.9-1, Sustainable Landscaping Requirements, to ensure that the number of shade, ornamental and evergreen trees, and shrubs is consistent across the landscape package.
  - i. Note "Alternative Compliance (AC) approved" in all landscape schedules associated with alternative compliance requests.
  - j. Correct the title and information of Item 12 in Schedules 4.10-1, for Roads B, C, and E.
  - k. Correct the labeling of the linear feet of Road E.
  - l. Update the number and types of plans in the plant schedule with the removal of Parcel H.
  - m. Revise the information in the tree canopy coverage schedule with the removal of Parcel H.
  - n. Note on the plans the types and textures of the pavements for the proposed recreation areas.

3. The required interpretive signage shall be installed at the time the pocket park on Parcel "T" is constructed.



### CLINTON MARKETPLACE NORTH

Detailed Site Plan

AC-23005/ TCP2-015-14-02

**Staff Recommendation**: APPROVAL with conditions

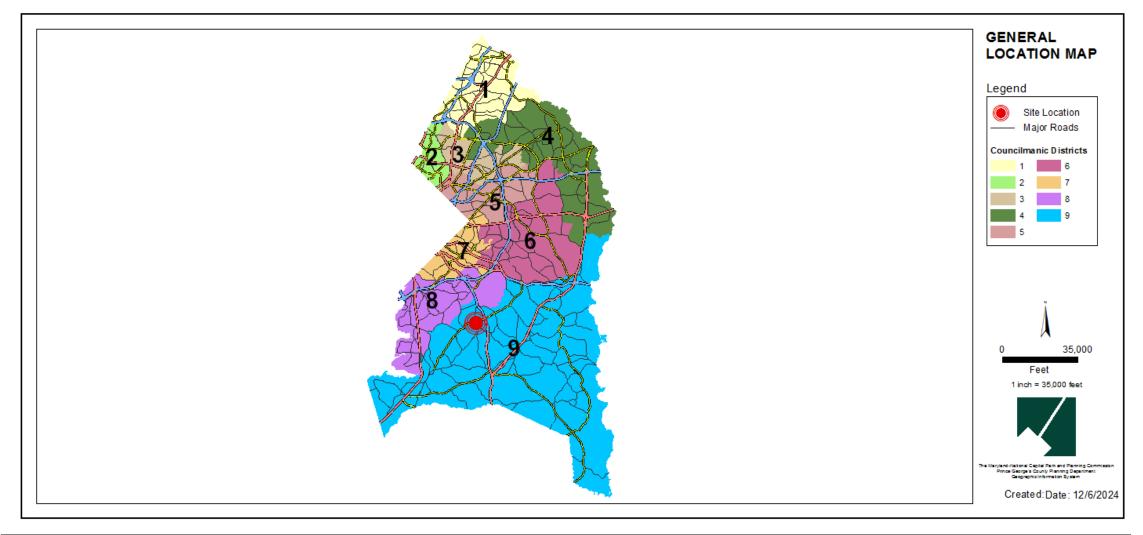




## **GENERAL LOCATION MAP**

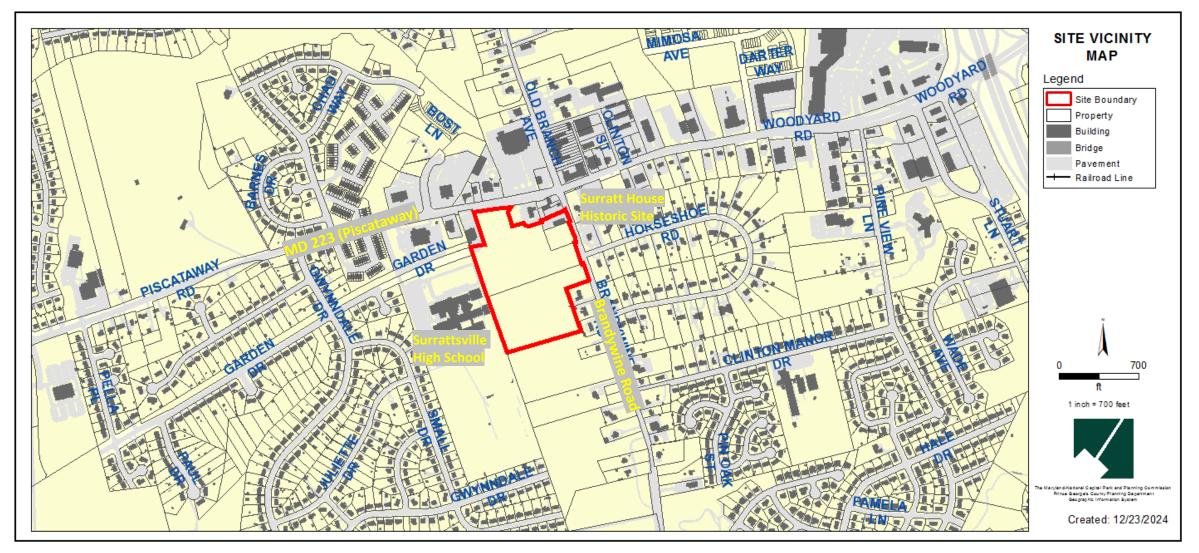
Council District: 09

Planning Area: 81A



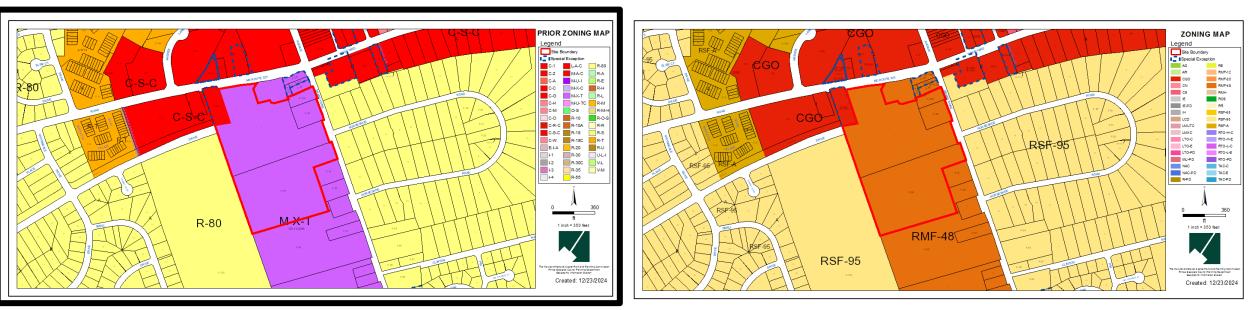


## SITE VICINITY MAP





### ZONING MAP



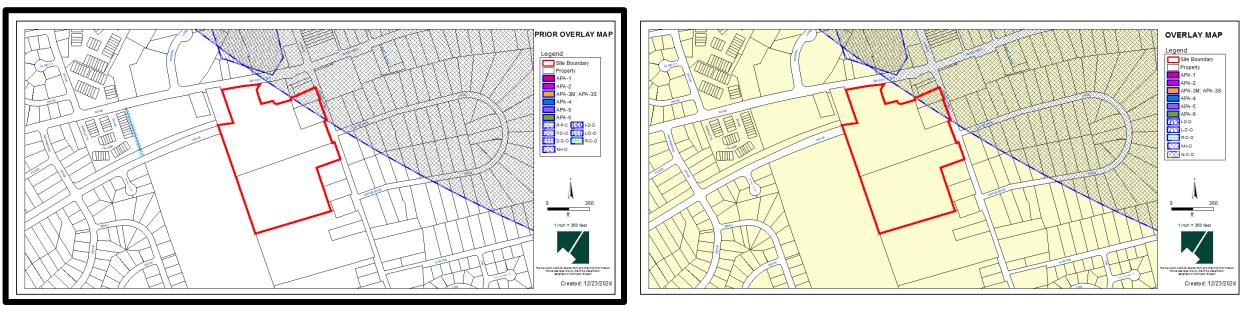
Prior Zoning: M-X-T

Current Zoning: RMF-48

Case: DSP-23006



## OVERLAY MAP



Prior Zoning: M-I-O

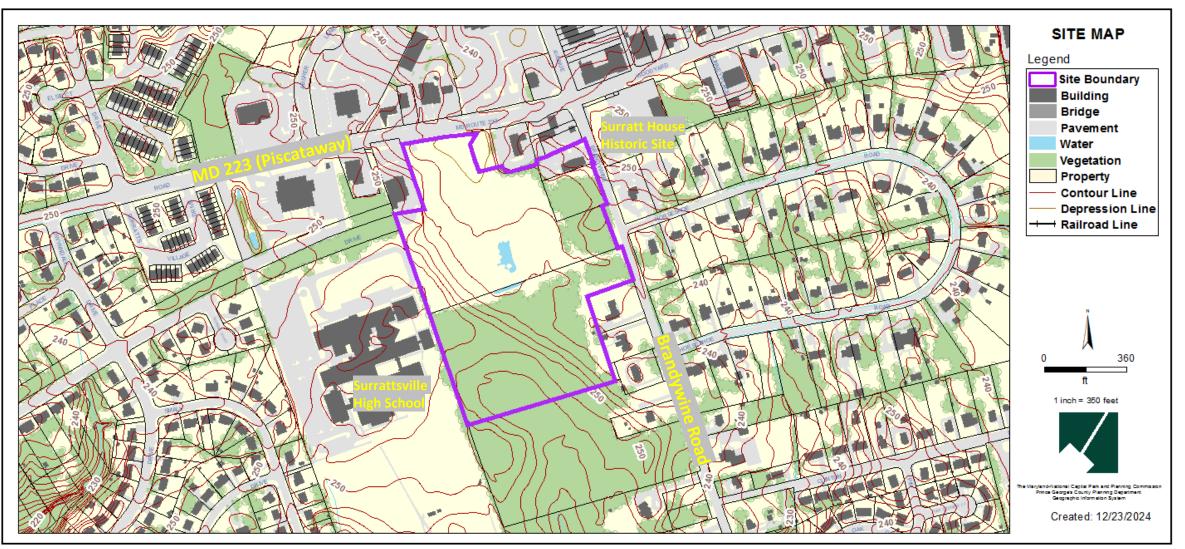
Current Zoning: MIO



## **3D VICINITY MAP**

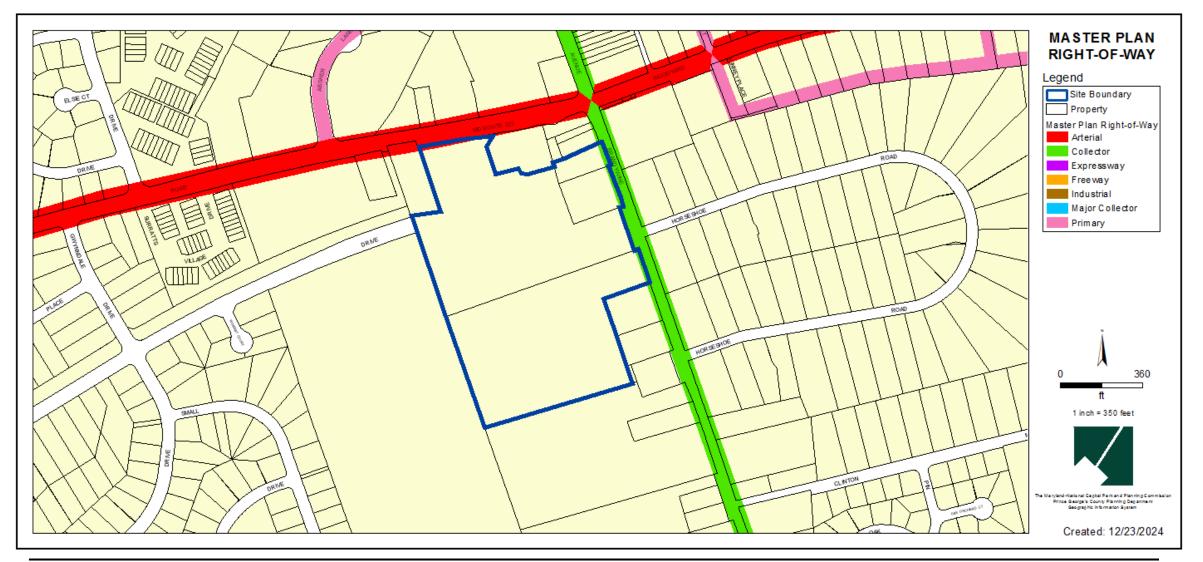






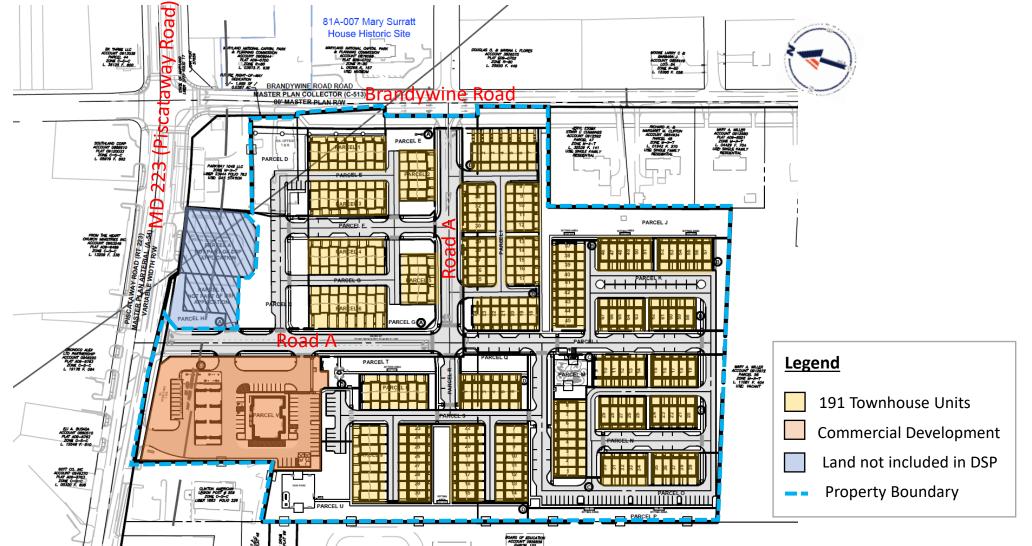


### MASTER PLAN RIGHT-OF-WAY MAP



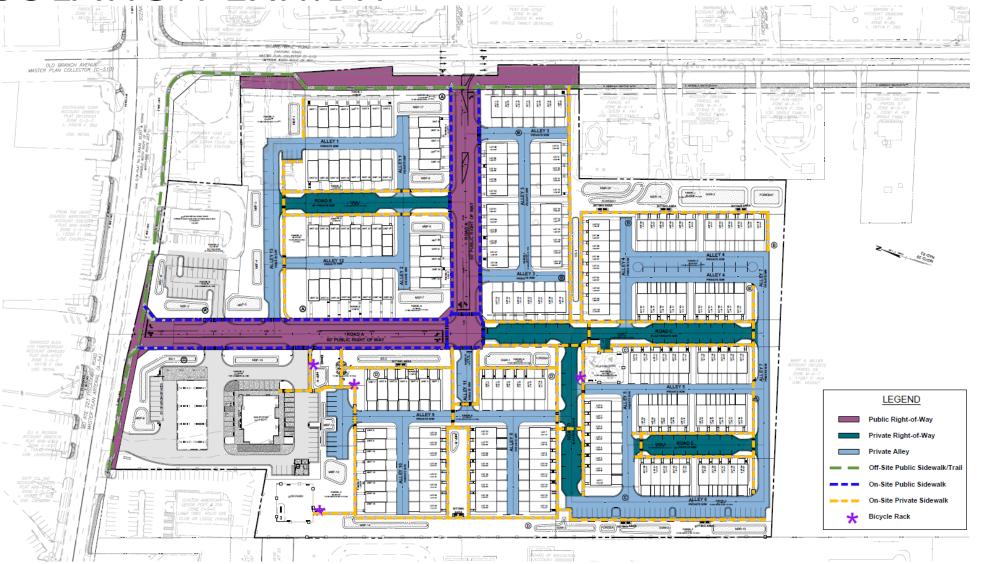


## SITE PLAN





### **CIRCULATION EXHIBIT**





## LANDSCAPE PLAN





### PERSPECTIVE - JENKINS 20' TOWNHOME



Model Name	Jenkins
Rear-Loading Garage	Two cars
Unit Width	20 feet
Base Finished Area (sq. ft.)	1,943
Height	36'-5 7/8"
Variety in Front Elevation	13*

Note: \*Eight (8) nonmasonry elevations of the Jenkins model are only used for the lots fronting on Brandywine Road and facing the Surratt House.



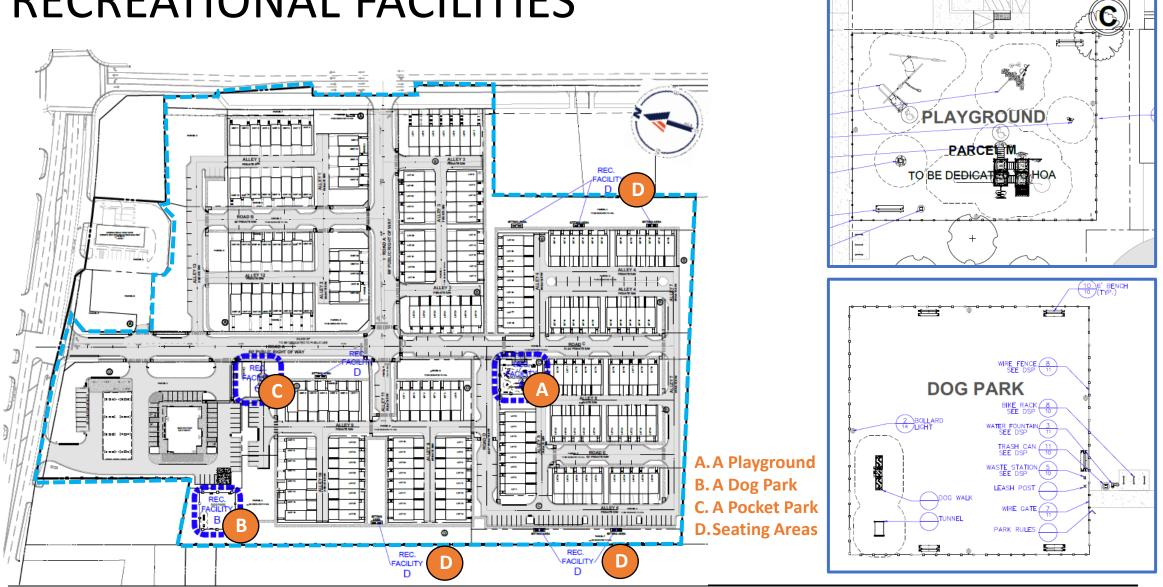
### PERSPECTIVE - PARKER 18' TOWNHOME



Model Name	Parker
Rear-Loading Garage	One car
Unit Width	18 feet
Base Finished Area (sq. ft.)	1,796
Height	33'-6 ½"
Variety in Front Elevation	3



## **RECREATIONAL FACILITIES**



### Case: DSP-23006



### FOOD AND BEVERAGE ESTABLISHMENT - ELEVATIONS









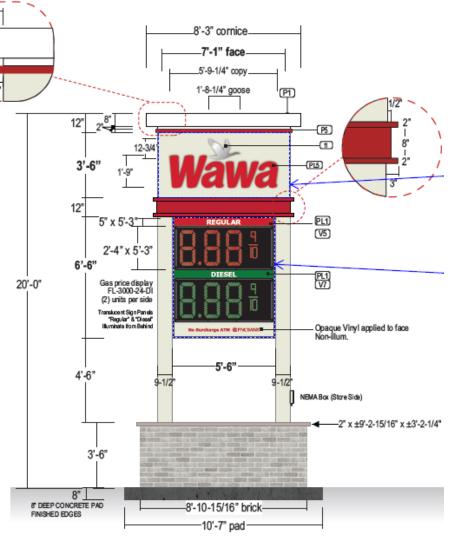
MATERIALS:





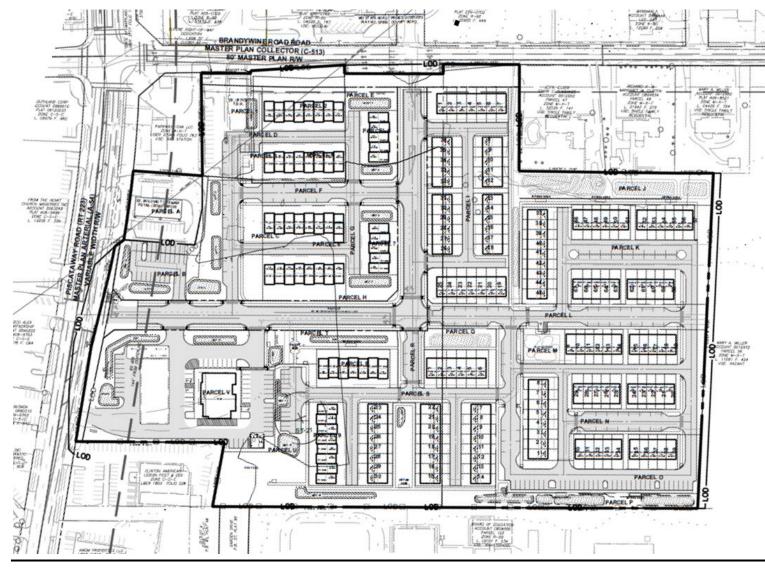
## GAS STATION & SIGNAGE ELEVATIONS

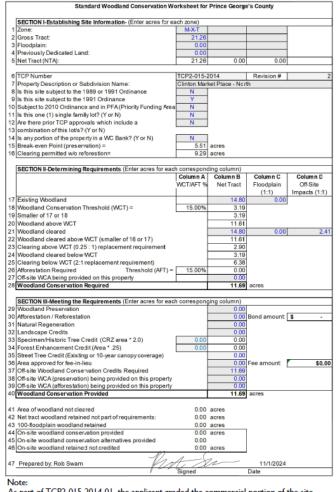






## TYPE II TREE CONSERVATION PLAN





As part of TCP2-015-2014-01, the applicant graded the commercial portion of the site and purchased 4.16 Ac of off-site afforestation credits. The applicant proposes additional 7.53 Ac off-site preservation credits to meet the remaining woodland conservation requirements with the total clearing proposed with this TCP2. Offsite credits for TCP2-015-2014-01 were obtained from TCP2-098-05-02.

01/09/2025



## STAFF RECOMMENDATION

### **APPROVAL** with conditions

- DSP-23006
- AC-23005
- TCP2-015-14-02
- Waiver from Section 25-128(b)

### **Issues**:

• None

### **Applicant Required Mailings**:

- Informational Mailing: 03/01/2023
- Acceptance Mailing: 08/02/2024

### STATEMENT OF JUSTIFICATION (Second Amended Post SDRC) DSP-23006

### **Clinton Market Place North**

OWNER/APPLICANT:	Piscataway Clinton LLC 10100 Business Parkway Lanham, MD 20001
ATTORNEY/AGENT:	Matthew C. Tedesco, Esq. Dominique A. Lockhart, AICP McNamee, Hosea, P.A. 6404 Ivy Lane, Suite 820 Greenbelt, Maryland 20770 (301) 441-2420 Voice (301) 982-9450 Fax mtedesco@mhlawyers.com dlockhart@mhlawyers.com
CIVIL ENGINEER:	Rodgers Consulting Nat Ballard 1101 Mercantile Lane, Suite 280 Largo, Maryland 20774 (301) 948-4700 nballard@rodgers.com
REQUEST:	Detailed Site Plan (DSP-23006) to develop approximately 191 Single-Family Attached (Townhouse) Residential Units, and approximately 5,915 square feet of new commercial/retail uses in the M-X-T Zone.
	Waiver from Section 25-128(b) pursuant to Section 25-130 of the County Code to facilitate tree canopy coverage (TCC) of 19.76% (resulting in a waiver of 0.24%).
	Alternative Compliance from the Prince George's County Landscape Manual Sections 4.7, Buffering Incompatible Uses, and 4.10, Street Trees Along Private Streets (a separate AC SOJ has been provided).

### I. <u>DESCRIPTION OF PROPERTY</u>

- 1. Address 9110 Piscataway Road, 9113 Brandywine Road, and 9115 Old Branch Avenue, Clinton, MD 20735.
- 2. Location Located in the southwest quadrant of the intersection of Piscataway Road and Brandywine Road.
- 3. Proposed Use Mixed use development consisting of residential and commercial uses approximately 191 townhouse dwelling units; and approximately 5,915 square feet of new commercial/retail space (proposed for a food or beverage store (Wawa)). (Note, approximately 3,178 square feet of GFA exists on-site in the form of a prior bank which has been converted to a Donut Shop but is not part of this application).
- 4. Incorporated Area None.
- 5. Election District -9.
- 6. Council District -9.
- 7. Existing Lots and Parcels Lot 2, Parcels 2, 59, 85 & 226.
- 8. Total Area -20.53 acres.
- 9. Tax Map/Grid 116-C3 and C4.
- 10. Zoned: RMF-48 (Current Zoning Ordinance); M-X-T (Prior Ordinance).
- 11. Zoning Map 212SE06.

#### II. <u>APPLICANT'S PROPOSAL</u>

Piscataway Clinton LLC, (the "applicant") is requesting the approval of a Detailed Site Plan (DSP-23006) for the properties located at 9110 Piscataway Road, 9113 Brandywine Road, 9115 Old Branch Avenue, Clinton, MD 20735.

DSP-23006 is proposed to be developed with approximately 191 townhouse dwelling units; and approximately 5,915 square feet of new commercial/retail space (for a food or beverage store (Wawa)). The property is within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* ("Sector Plan"). The Sector Plan establishes development policies, objectives and strategies that are consistent with the recommendations of the 2002 Prince George's County Approved General Plan.

Currently, legally identified as Lot 2, Parcels 2, 59, 85 and 226 on County Tax Map 116, Grids C3 and C4, the Property comprises approximately 21.26 acres in the RMF-48 Zone (previously, the M-X-T Zone). The applicant proposes a development of approximately 191

townhouse dwelling units; and approximately a total of 5,915 square feet of new commercial/retail space. The Applicant is also requesting Alternative Compliance from the Prince George's County Landscape Manual Sections 4.7, Buffering Incompatible Uses and 4.10, Street Trees Along Private Streets. A separate AC SOJ has been provided.

As described in greater detail herein, the subject property has a number of prior entitlements. Specially, the site has a previously approved PPS 4-78245, which was approved by the Prince George's County Planning Board on January 11, 1979, for one lot, fronting MD 223 and Brandywine Road. This lot is existing Lot 2 and is platted. The prior PPS 4-78245 was superseded by PPS 4-19006, which was approved by the Planning Board on July 22, 2021 (PGCPB No. 2021-102 was adopted on September 9, 2021).<sup>1</sup> Conceptual Site Plan CSP-18004 was approved by the Planning Board (PGCPB Resolution No. 19-62(C)) on May 16, 2019 for 100–200 single-family attached dwellings, 40–100 two-family attached (two-over-two) dwellings, and 35,000–70,000 square feet of commercial retail for the subject site.

Pursuant to Sections 27-1704 and 24-1704 of the Zoning Ordinance and Subdivision Regulations, respectively, this application is being filed pursuant to the prior Zoning Ordinance and will be reviewed pursuant to the prior M-X-T Zone. CSP-18004 was approved by the Planning Board on May 16, 2019 (PGCPB No. 19-62(C) was adopted on October 2, 2019) and is valid until April 1, 2042. Preliminary Plan of Subdivision (PPS) 4-19006 was approved by the Planning Board on July 22, 2021 (PGCPB No. 2021-102 was adopted on September 9, 2021) and is currently valid until September 9, 2025.<sup>2</sup>

Section 27-1704(a) provides, "development approvals or permits of any type approved under . . . Subtitle [27] or Subtitle 24 of this Code prior to April 1, 2022 remain valid for the period of time specified in the Zoning Ordinance or Subdivision Regulations . . . [and] [i]f the approval is for a CSP . . ., it shall remain valid for twenty years from April 1, 2022." Furthermore, Section 27-1704(b) provides, "[u]ntil and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved." Consequently, CSP-18004, PPS 4-19006, all having been approved prior to April 1, 2022, are "grandfathered."

Consequently, this application is being filed pursuant to Section 27-1704 of the Zoning Ordinance and shall be reviewed utilizing the prior Zoning Ordinance.

	EXISTING	PROPOSED
Zone	M-X-T	M-X-T

The proposed Development Summary for DSP-23006 is as follows:

<sup>&</sup>lt;sup>1</sup> Only July 13, 2023, the Prince George's County Planning Board approved the extension of the validity period for (PPS) 4-19006) for two (2) additional years, or until September 9, 2025.

Use(s)		Office, Commercial, Single- Family Attached and Two
		Family Attached
Acreage	20.53	20.53
Dwelling Units	0	Townhouses $= 191$
Lots	1 (Lot 2)	134
Parcels	3 (Parcels 59, 85,	28
	223)	
Square Footage/GFA	0 SF	5,915 SF
Floor Area Ratio		See Table Below

RESIDENTIAL: GROSS FLOOR AREA:	447,320 SF
191 TOWNHOMES	447,320 SF

PROPOSED COMMERCIAL: GROSS FLOOR AREA:	5,915 SF
EXISTING COMMERCIAL: GROSS FLOOR AREA:	0 SF

TOTAL GROSS FLOOR AREA	+/- 453,235 SF TOTAL	
FLOOR AREA RATIO BASE DENSITY	0.51 FAR BASE DENSITY	
UNITS PER ACRE = 11.64 Dwelling Units per acre. (Based on 16.41 AC of Residential		
Development. Does not include parcels A-B, V (1.96 ac) or any of the land dedicated for public		
right-of-way (2.16 ac).)		

### Unit Breakdown:

		# of units	Base SF	Total SF	
Jenkins (TH)	20' RL	158	1,943	376,040	
Parker (TH)	18' RL	33	1,795	71,280	
Proposed Com	mercial			5,915	
Existing Comn	nercial			0	
GFA This App	lication			453,235	894,233 SF
FAR					0.51

### III. <u>COMMUNITY</u>

Clinton Market Place North consists of approximately 20.53 acres of land in the prior M-X-T Zone and is located west of Brandywine Road and south of Piscataway Road (MD 223). To the north, the subject property is bounded by Piscataway Road (MD 223), and beyond are various

commercial uses in the prior C-S-C Zone. The east of the subject property is bounded by Brandywine Road, and beyond are single-family detached dwelling units and the Surratt House Museum, both in the prior R-80 Zone. To the south of the property, is vacant land and residential properties in the prior M-X-T Zone. To the west of the property is the existing Surrattsville High School in the prior R-80 Zone.

The subject property is located in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. As explained below, Council Resolution CR-13-2018, Amendment 4, rezoned the subject property from C-S-C, C-O and R-80 Zones to the M-X-T Zone. Since the adoption of the Sector Plan, in 2014, the County updated the General Plan, known as "Plan Prince George's 2035" (Plan 2035), which placed the subject property in the Established Communities Growth Policy Area. Plan 2035:

classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

(Plan 2035 at p. 20).

#### IV. <u>PREVIOUS APPROVALS</u>

On March 6, 2018, Council Resolution CR-13-2018, which approved three (3) specified minor amendments (known as Minor Amendments Four, Five, and Six in CR-062-2017) to the 2013 *Subregion 5 Master Plan and Sectional Map Amendment*, for purposes of aligning current land use and development policies approved for the affected properties with the approved comprehensive plan vision applicable to these properties approved by the District Council within the *Central Branch Avenue Corridor Revitalization Sector Plan*, as well as the current General Development Plan for the County, Plan Prince George's, approved by the Council in May 2014 (Plan 2035). The property included in DSP-23006 is located within Minor Amendment Four. Amendment Four rezoned the property to the M-X-T Zone.

#### CSP-18004

The Prince George's County Planning Board approved CSP-18004 by resolution adopted on June 6, 2019, with the following applicable condition:

- 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.

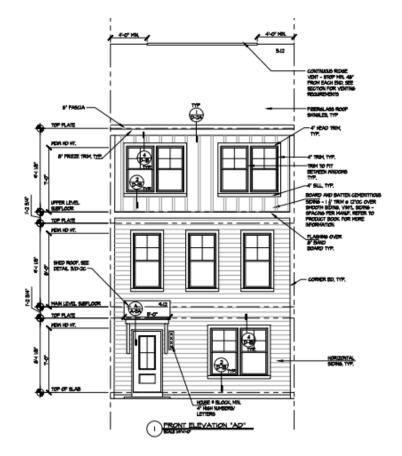
b. The applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of MD 223 and the proposed site access. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the 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.

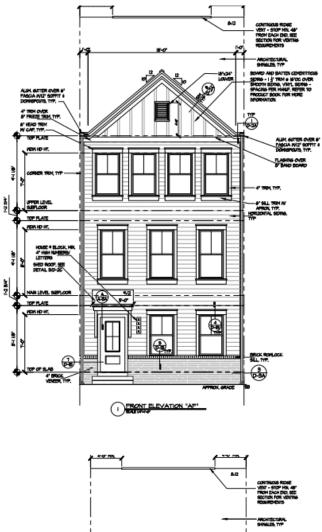
COMMENT: This condition contemplated modification(s) at the time of PPS. Consequently, please see the responses below to conditions 3 and 4 for PPS 4-19006, as the applicant has executed a DPA with the County.

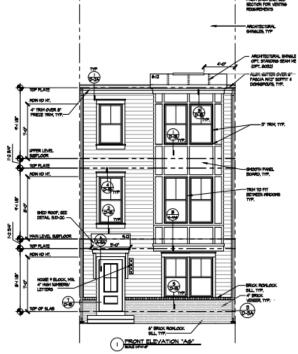
- 3. Prior to approval of a detailed site plan (DSP) for the project, the applicant shall:
  - a. Provide sidewalks on both sides of all internal roads where appropriate;
  - b. Provide bicycle parking at the commercial space. The number and location will be determined with the DSP; and
  - c. Demonstrate that the scale, mass, proportion, materials, and architecture for new construction appropriately relates to the character of the Mary Surratt House Museum.

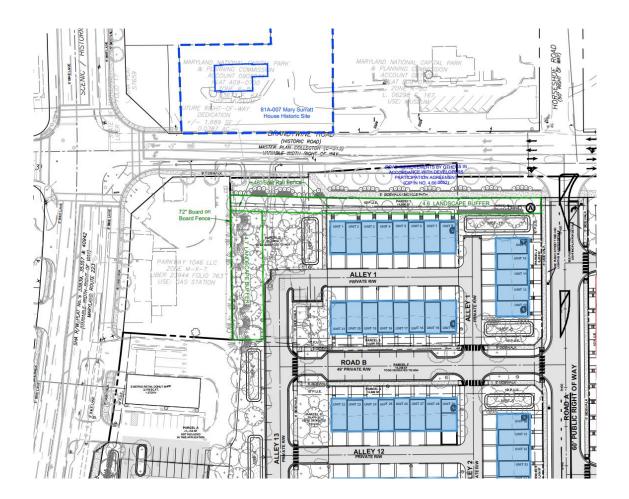
COMMENT: As provided on the DSP and circulation plan, sidewalks on both sides of all internal roads, where appropriates, have been provided. It should be noted that the Planning Board previously granted a variation to Section 24-128(b)(7)(A), allowing relief from the requirement

that all of the residential lots front on a public street. Consequently, the majority of the lots front on private streets and open space parcels within the residential development area of the site. The design, however, ensures that uninterrupted pedestrian access is provided at the frontage, while vehicular circulation is provided in the rear of the lots – satisfying Condition 3.a. Finally, the design of the residential units and landscaping along Brandywine Road has been purposeful to not only be responsive to the road widening project at the intersection of MD 223 and Brandywine Road - including along the property frontage of Brandywine Road (to wit: CIP 4.66.0052), but also to appropriately relate to the character of the Mary Surratt House Museum Historic Site. Indeed, in response to recent comments and recommendations by Technical Staff, the applicant has redesigned the DSP to remove all of the two-family attached (two-over-two) condominiums units and the multi-tenant commercial building(s) along Brandywine Road – opposite of the Mary Surratt House, and instead provide three-story condominium townhouses and a landscape buffer. The architecture for the units that will face the Mary Surratt House Museum has also been modified in response to this condition and discussions the design team had with Staff from the Historic Preservation Section. Specifically, and as directed, the elevations in question have limited brick and are designed in a manner to be compatible with the said museum property, as confirmed by Historic Preservation Staff. These edits are depicted below:









Furthermore, full cut-off lighting is utilized to prevent light spilling over onto the historic site, and elements from the historic site are incorporated into the DSP – including landscape and fencing elements.



**EXISTING FENCE - SURRATTS PROPERTY** SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

9

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N.T.S.

#### PPS-4-19006

The Prince George's County Planning Board approved PPS 4-19006 by resolution adopted on September 9, 2021, with the following applicable conditions:

2. Total development within the subject property shall be limited to uses that would generate no more than 288 AM and 310 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

COMMENT: The preliminary plan of subdivision for Clinton Marketplace North (4-19006) was approved with a total of 231 townhouses and two-over-two's, 6,000 square foot convenience store with gasoline facilities, and 13,178 square feet of retail, and these uses were calculated to generate a trip cap of 288 AM and 310 PM trips. The current DSP-23006 has a slight reduction in the unit totals and is proposed to include a total of 191 townhouses, and a 5,915 square foot convenience store with gasoline facilities, and these uses are calculated to generate 264 AM and 270 PM peak hour trips; therefore, this remains within the trip cap for which these uses were approved.

3. Prior to the issuance of any building permit, and pursuant to CIP No. 4.66.0052, the applicant shall enter into a developer participation agreement (DPA) or similar binding legal instrument with Prince George's County for its share of all road improvements, including frontage improvements, bypass road improvements, and the overall public road improvement project described in the CIP. The fee shall be calculated as \$1,750 per two-family attached unit, \$3,500 per single-family attached unit, \$5,000 per single-family detached unit, and \$4.00 per square foot for commercial space, pavable no later than at the time of building permit. All fees shall be 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. In addition to the fee payments, the applicant shall, prior to any building permit for vertical construction, dedicate and contribute all land needed for right-of-way for frontage improvements and the "bypass road," as shown on the preliminary plan of subdivision. No building permits for vertical construction shall be issued until Prince George's County has obtained full financial assurances, is permitted for construction by the operating agencies, and has an agreed upon timetable for construction for all of the public road improvements described in the CIP.

COMMENT: Immediately after the Planning Board approved PPS 4-19006, the applicant commenced with working with Prince George's County (the CEX Office, DPIE, DPW&T and the Office of Law) on the DPA. The DPA has been finalized and signed by the County. Indeed, negotiations on the structure of the DPA occurred throughout the Fall of 2021, and since that time, a number of plans, drafts, meetings, and conversations on the DPA have occurred. The County also required that 30% Road Construction Plans be approved prior to finalizing the DPA. In addition to the execution of the DPA, the 30% Road Construction Plans are approved. Finally, the applicant is also currently working with the County to finalize the construction DPA.

4. Prior to the issuance of any building permits within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (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 SHA. 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.

COMMENT: Prior to the issuance of building permits, a traffic signal warrant analysis will be provided to SHA and if warranted and required, the signal at MD 223 & the proposed site access will be bonded and permitted as required by the SHA based on the findings of the report. It should be emphasized that SHA is the operating agency to determine whether a signal is warranted and when it will be required to be installed. This is the site access, and as such, the SHA has the regulatory authority to require a signalization if and when deemed necessary. It is not necessary, nor is it appropriate to mandate, through a condition of approval, when a site access should be signalized since this is under the purview of the operating agency.

14. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Appropriate triggers for construction shall be established with the DSP.

COMMENT: As provided on the detailed site plan, the applicant is proposing five (5) recreational areas (Areas A - E). These areas are proposed for passive and active recreational areas, and the valuation for the same exceeds the formula for determining the value of recreation facilities to be provided:

FORM			APPENDIX C MINING THE VALUE OF REP IN SUBDIVISION (popula August, 2008				
PROJECT NAME PROJECT NUMBER PLANNING AREA			Clinton North			_	
1	91 TH/SF 0 MF			TH/SF = MF		. <u>1</u> TH/SF .0 MF	
1 Number of D.U. in Project	91 <u>Total</u>		Population/D.U. by Planning Area		571 Total Project Population	.1	
571.1 Total Project Population		÷	500		1.1 Multiplier	_	
1.1 Multiplier	_	x	\$188,500 Standard Value of	-	\$215,301 Value of Facilities	_	
	Facilit	ties	Facilities	Quantity	to be provided Value Each	Total Value	Permit Trigger*
A - Playground (Play Equipment, Surfacing, 2 Benches, Trash Receptacle, Fence, Gate, Signage)				1	\$159,500.00	\$159,500.00	150th
B - Dog Park (Dog Walk, Tunnel, 5 Benches, 1 Trash Receptacle, 1 Pet Waste Station, Fence, Gate)				1	\$18,560.00	\$18,560.00	80th
C - Pocket Park (4 Benches, Interpretive Signage, Trash Receptacle, Paving)				1	\$15,860.00	\$15,860.00	60th
D - Sitting Area (2 Benches, Paving)			7	\$3,750.00	\$26,250.00	193rd	
Total Facility Value o					ding Recreational Facilitie	\$220,170.00	

Notwithstanding Staff comments at the SDRC meeting, based on and upon reliance of the Planning Board's findings when it approved PPS 4-19006, that applicant contends that the dog park must be included as a recreational amenity. Among other things, the Planning Board specifically held that "Private on-site facilities are in the form of a . . . *dog park located on proposed Parcels W and X* . . . . It is noted that Parcel W is shown to be a commercial parcel and Parcel X as a homeowners association parcel. Parcel X shall be adjusted so that the *dog park* is located entirely within this boundary." (Emphasis added). Although it is true that private and

public facilities get reviewed further at the time of DSP, since the Planning Board has already accepted the utilization of a dog park to satisfy mandatory dedication of parkland pursuant to Subtitle 24, the applicant contends that it would not be appropriate for Staff to now not support the utilization of the dog park as a private recreational facility at the time of DSP. For these reasons, the applicant continues to include the proposed dog park as a private recreational facility.

In addition, and notwithstanding, Cosca Regional Park is approximately 3.5 miles southwest of this site. The park contains playgrounds, athletic fields, indoor and outdoor tennis courts, a skatepark, picnic areas, walking trails, a lake, and a campground. The Clearwater Nature Center and the historic Thrift Schoolhouse are also part of the regional park. Other nearby park facilities include Tanglewood Park located 1.5 miles east, and Fox Run Park approximately 2.3 miles to the southeast. In addition, Stephen Decatur Community Center is located 1.8 miles north of the subject property.

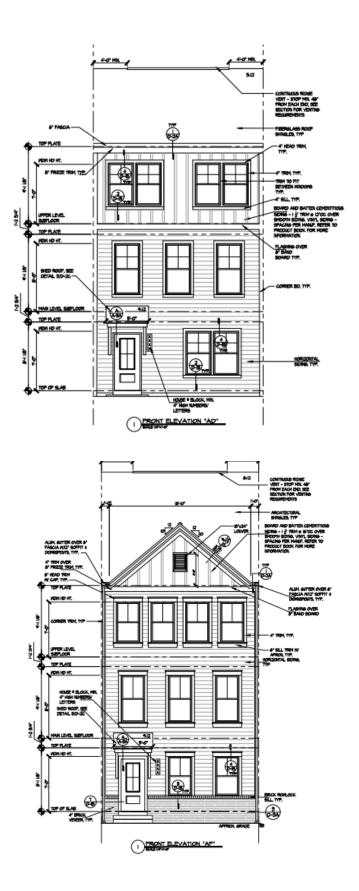
Furthermore, with prior conceptual site plan, the applicant and the Commission worked together on elements surrounding the Surratt House property, ultimately resulting in the Commission acquiring the parcel adjacent to the Surratt House, located at the corner of MD 223 (Woodyard Road) and Brandywine Road. At that time, the property contained a small office building that has since been demolished, which allows for better visibility of the Surratt House. Prior to approval of CSP-18004, the applicant and M-NCPPC entered into an agreement that involved the exchange of 5.83 acres of property located south of the subject site on Brandywine Road, contiguous to existing parkland, and \$319,000 in site improvements at the Surratt House site for the M-NCPPC's Parcel 85. Finally, during the review of the PPS, off-site recreational facilities, in the form of a trail head, on the property exchanged with the applicant, which is contiguous with Cosca Regional Park), were vetted. This proposed facility, located approximately 0.75 mile south of the subject property, would consist of a duck pond, boardwalk, trail, and parking. The applicant seeks to continue to work with DPR to accommodate this facility that would benefit the Cosca Regional Park as well as the Clinton community.

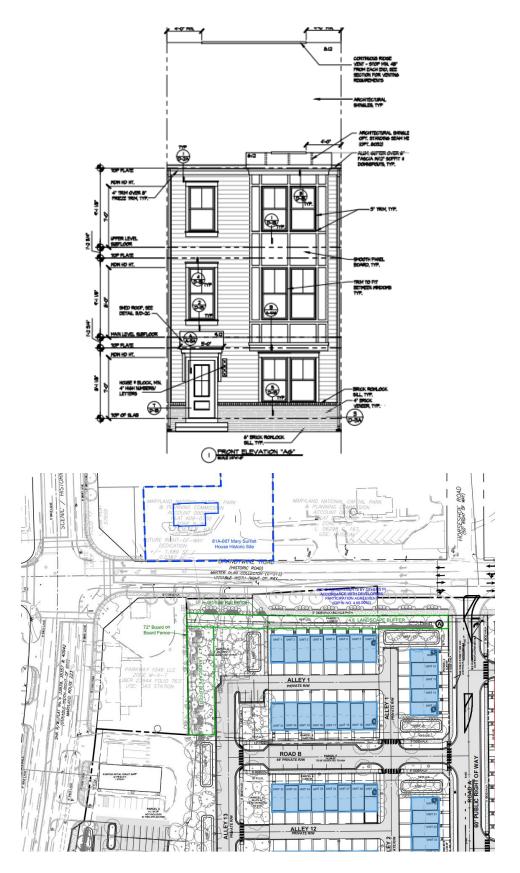
- 18. Prior to acceptance of a detailed site plan (DSP), in accordance with the 2009 Countywide Master Plan of Transportation and the 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities and shall show the following facilities on the DSP:
  - a. Minimum 8-foot-wide sidewalk along the property frontage of MD 223, unless modified with written correspondence by the Maryland State Highway Administration.
  - b. A minimum of two inverted U-style bicycle racks, or a style similar that allows two points of secure contact, at all proposed recreation and commercial areas.

COMMENT: The DSP includes a minimum 8-foot-wide sidewalk along the property frontage of MD 223, subject to modification by the operating agency and includes at least two (2) inverted U-style bicycle racks at all proposed recreation and commercial areas.

- **19.** Prior to the approval of any detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall:
  - a. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mary Surratt House Museum Historic Site be reviewed for compatibility with this internationally significant property.
  - b. Provide a plan for any interpretive signage to be erected as well as any public outreach measures to be taken. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission Historic Preservation staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.

COMMENT: As mentioned herein and depicted on the detailed site plan, the scale, mass, proportion, materials, architecture, lighting, and landscaping within the viewshed of the Mary Surratt House Museum Historic Site is compatible. Indeed, in response to Staff's comments and recommendations, the applicant has redesigned the DSP to remove all of the two-family attached (two-over-two) condominiums units and the multi-tenant commercial building(s) along Brandywine Road – opposite of the Mary Surratt House, and instead provide three-story condominium townhouses and a landscape buffer. The architecture for the units that will face the Mary Surratt House Museum has also been modified in response to this condition and discussions the design team had with Staff from the Historic Preservation Section. Specifically, and as directed, the elevations in question have limited brick and are designed in a manner to be compatible with the said museum property, as confirmed by Historic Preservation Staff. These edits are depicted below:

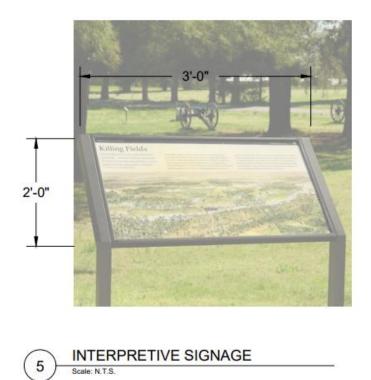




In addition, the applicant's archaeological consultant has been working closely with the Staff from the Historic Preservation Section in response to the HPC's request (and as required by this condition) that the DSP include interpretive signage regarding the Clinton Rosenwald School, which was the site of the earlier Freedmen's Bureau School. The applicant is proposing two (2) interpretive signs, with images, one for the Clinton Rosenwald School and one for the Freedmen's Bureau School. Proposed signage is included with the detailed site plan.

20. Prior to the approval of a detailed site plan, the applicant shall perform additional archeological investigations in the northern portion of Lot 2 and on Parcel 226, as specified in the Plan for Additional Archeological Investigations, dated August 27, 2021. Further, if it is determined, as outlined in the Plan, that potentially significant archeological resources exist in the areas specified in said Plan, the triggers and requirements provided for in the Plan regarding subsequent investigations or a mitigation plan to ensure that any artifacts are curated in a proper manner shall be followed.

COMMENT: The Ottery Group, on October 15 - 16, 2022, conducted additional field work in response to this condition. An Addendum Report on Additional Archaeological Investigations dated January 12, 2023, was prepared and submitted to the HPC Staff for review. In addition, HPC staff was present and directly involved in the additional archaeological investigations in response to this condition. Based on the HPC Checklist that was provided by HPC staff in this pending detailed site plan, "all archaeological investigations [are] completed."



#### V. CRITERIA FOR APPROVAL OF A DETAILED SITE PLAN & DESIGN GUIDELINES

The following Sections of the Prince George's County Zoning Ordinance are applicable to this application.

#### Section 27-285. Planning Board procedures.

#### (b) **Required findings.**

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan 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. If it cannot make these findings, the Planning Board may disapprove the Plan.

COMMENT: Based on the points and reasons provided herein, in addition to the evidence filed in conjunction with this application (or any other previously approved applications as incorporated herein, as needed), the applicant contends that DSP-23006 represents the most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for the intended uses.

## (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

COMMENT: DSP-23006 is in conformance with CSP-18004.

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

COMMENT: Not applicable. DSP-23006 is not a detailed site plan for infrastructure.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

COMMENT: First and foremost, there are no regulated environmental features on the subject property. The following applications and associated plans have been reviewed and approved for the subject site:

Review	Associated Tree	Authority	Status	Action Date	Resolution
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Case #	Conservation Plan #				Number
4-78245	N/A	Staff	Approved		N/A
NRI-087-07	N/A	Staff	Approved	1/28/2008	N/A
MR-1506F	N/A	Planning Board	Transmitted	7/30/2015	N/A
TCP2-15-14		Staff	Approved	2/5/2015	N/A
NRI-087-07-01	N/A	Staff	Approved	2/5/2015	N/A
TCP2-15-14-01		Staff	Approved	10/31/2017	N/A
NRI-115-2018	N/A	Staff	Approved	11/9/2018	N/A
CSP-18004	TCP1-002-2019	Planning Board	Approved	May 16, 2019	19-62
4-19006	TCP1-002-2019-01	Planning Board	Approved	September 9, 2025	2021-102

There have been two natural resources inventory (NRI) plans approved for this location. NRI-087-07, which was for the majority of the site except for the parcel owned by M-NCPPC, and then a revision (NRI-087-07-01), 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, approved on November 9, 2018, and provided with this application. At the time of PPS approval, the Planning Board found that that the PPS showed all the required information correctly, in conformance with the NRI.

#### Section 27-281. Purpose of Detailed Site Plans.

- (b) General purposes.
  - (1) The general purposes of Detailed Site Plans are:
    - (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;
    - (B) To help fulfill the purposes of the zone in which the land is located;
    - (C) To provide for development in accordance with the site design guidelines established in this division; and
    - **(D)** To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

COMMENT: The subject property was previously in the M-X-T Zone, and, pursuant to the Transitional Provisions (Sec. 27-1704) and previously grandfathered approvals, is being developed in accordance with the M-X-T Zone. The subject property was placed in the M-X-T Zone through Council Resolution CR-13-2018 to better align the current land use and development policies approved for the affected properties with the approved comprehensive plan vision applicable to said properties within the Sector Plan, as well as Plan 2035. DSP-23006 will provide development that is in accordance with the principles consistent with the orderly, planned, efficient and economical development envisioned in the County's Planning Documents; fulfills the purposes of the M-X-T Zone; and is in accordance with the applicable site design guidelines of the code. Each of these are further addressed below and depicted on the DSP submitted in conjunction with this application.

(c) Specific purposes.

- (1) The specific purposes of Detailed Site Plans are:
  - (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;
  - (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;
  - (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and
  - (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

COMMENT: The District Council and the Planning Board previously determined that the redevelopment of the subject property was in conformance with the requirements of Part 10, Division 2, of the Zoning Ordinance with the review and approval of Council Resolution CR-013-2018, CSP-18004, and PPS 4-19006. DSP-23006 depicts the specific location of all buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site, including all recreation facilities and street furniture. The community will have a homeowners association which will ensure the maintenance of all common areas, including the recreational facilities. The homeowners association will be established through the recordation of covenants which will be recorded among the Land Records and which will be referenced on the final plats of subdivision.

This Detailed Site Plan will promote the purposes found in Section 27-281.

#### Section 27-283. Site Design Guidelines

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).
- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.
- (c) These guidelines may be modified in accordance with Section 27-286.

COMMENT: Generally, Section 27-274 provides design guidelines regarding parking, loading, and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture. It is worth noting that every sub-part of Section 27-274(a) uses the word "should" when describing each of the guidelines. Thus, none of the design guidelines are mandatory; instead, they are as they appear, guidelines used to promote the purposes of the zone. The Planning Board is authorized to approve a detailed site plan so long as the plan represents a *reasonable alternative to satisfying the guidelines* – without requiring unreasonable costs or detracting substantially from the utility of the proposes development for its intended (and *permitted*) use. (Emphasis added).

Specifically, the applicant offers the following:

#### Section 27-274. Design Guidelines

In addition to the purposes set forth in Section 27-281, Section 27-274 further requires the Applicant demonstrate the following:

## (1) General. (A) The Plan should promote the purposes of the [Detailed] Site Plan.

COMMENT: The purposes of the Detailed Site Plan are found in Sections 27-281(b) and (c).

- (2) Parking, loading, and circulation
  - (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.
  - (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.
  - (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.

COMMENT: DSP-23006 will provide both on lot driveway and garage parking for the residents and on street parking and minor parking lots for visitors. Resident parking is shown on the lots it serves. Surface parking is adjacent to in in close proximity to the recreational facilities; some overflow parking is appropriately provided in the street near residences. There are no large uninterrupted expanses of pavement. None of the parking is generally visible from outside DSP-23006. All loading areas to serve the proposed commercial development is screened in accordance with the Landscape Manual. Multiple point of access to conveniently serve the mix of uses while securing safe and efficient vehicular and pedestrian circulation is provided. Sidewalks are proposed along the public and along most of the private roads of DSP-23006 to provide safe and efficient pedestrian circulation, minimizing conflicts between pedestrians and vehicles, as well as connectivity to proposed and existing commercial retail businesses in the immediate area. Crosswalks are clearly marked.

#### (3) Lighting.

## (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.

COMMENT: This DSP, which proposes a mix of residential and commercial uses, anticipates at least some activities taking place in the evening and will provide adequate lighting levels for safe vehicular and pedestrian movements. The site lighting will provide the new residents with a bright, safe atmosphere while not causing a glare or light bleeding onto adjoining properties, as the applicant is proposing full cut-off light fixtures. For details of the lighting proposed, please see Sheet 13 of the Landscape and Lighting Plan Set. Please reference the lighting plan on Sheets 9 through 13 of the Landscape and Lighting Plan Set.

#### (4) Views.

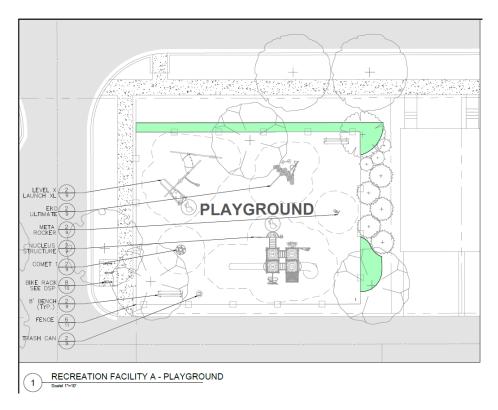
## (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

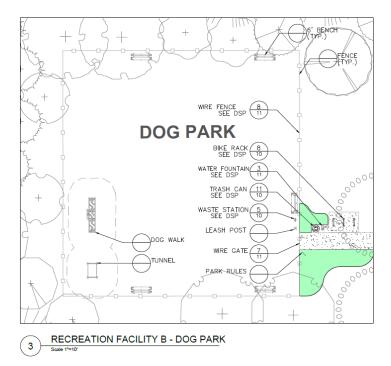
COMMENT: This Detailed Site Plan complies with the design guidelines outlined in sub-part (4). All buildings will be designed to provide a modern, clean and strong presence along road frontages. Other views and public areas will be emphasized through the use of sidewalks to collectively connect the various components of the project.

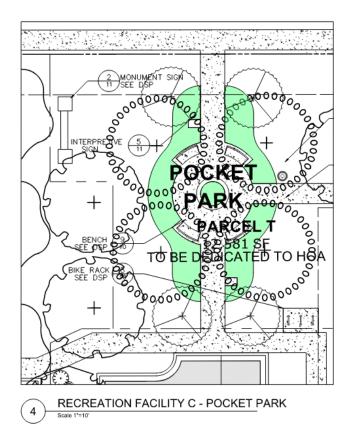
#### (5) Green Area.

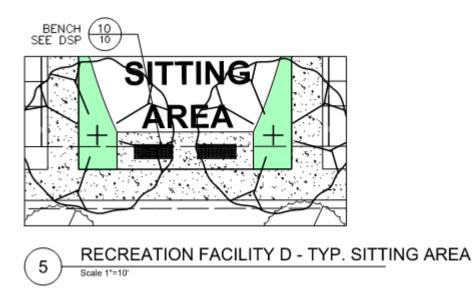
#### (A) On site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.

COMMENT: Green area is dispersed throughout the property. They are easily accessible for maintenance and provide separation between residential sticks. For location of the Recreational Facilities, please see Sheet 8 of the Landscape and Lighting plan, and for details, please see the same. The connective green areas are mostly intended to provide open areas between development envelopes, and are not appropriate for hardscaping.

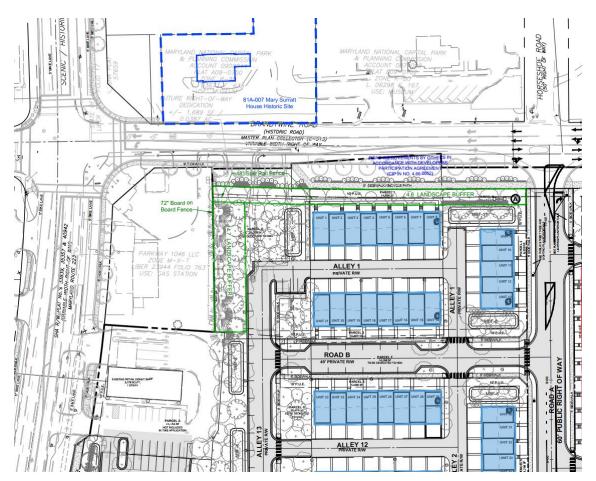








Additionally, with the recent modification to the DSP and removal of the two-family attached (two-over-two) units along Brandywine Road and the commercial building, the applicant was able to add and additional landscape/green area/buffer opposite the Mary Surratt House:



- (6) Site and streetscape amenities.
  - (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.

COMMENT: The Detailed Site Plan and Landscape Plan submitted with this application comply with the design guidelines outlined in sub-part (6). The proposed site and streetscape amenities will contribute to be attractive and coordinated with the development. That is, the site fixtures will be durable high-quality material and will be attractive, which will enhance the site for the future residents and patrons. As further referenced above, within this proposed phase, additional street connections and street scape amenities are proposed.



#### (7) Grading.

# (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.

COMMENT: This Detailed Site Plan complies with the design guidelines outlined in sub-part (7). All grading and landscaping will help to soften the overall appearance of the improvements once constructed. The proposed development will address the needs and expectations of the modern resident. All grading and landscaping will help to soften the overall appearance of the improvements once constructed. The proposed development will address the needs and expectations of the needs and expectations of the modern consumer. To the fullest extent practical, all grading will be designed to minimize disruption to existing topography.

#### (8) Service Areas.

#### (A) Service areas should be accessible, but unobtrusive.

COMMENT: Service areas are not proposed with DSP-23006.

- (9) Public Spaces.
  - (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.

COMMENT: The overall massing of buildings and attention to scale for this project, which are primarily residential in nature, will help create pedestrian and public areas that will be convenient to the residents and patrons may include something similar to those depicted below:



PLAYGROUND ILLUSTRATIVE



- (10) Architecture.
  - (A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.
  - (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.
  - (C) These guidelines may be modified in accordance with section 27-277.

COMMENT: Architecture proposed with DSP-23006 complies with the design guidelines outlined in sub-part (10). The elevations for the proposed residential units are provided on the architectural elevations on Sheets submitted with this application.

- (11) Townhouses and Three-Story Dwellings.
  - (A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the

Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

- (B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.
- (C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.
- (D) To convey the individuality of each 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. In lieu of this individuality guideline, creative or innovative product design may be utilized.
- (E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.
- (F) Attention should be given to the aesthetic appearance of the offsets of buildings.

COMMENT: The layout of the townhouse units for DSP-23006 have been designed in an effort to, as much as possible; minimize the views of the rear of the units. The majority of units adjacent to the proposed public road have initially been designed to be parallel to the road so the backs of units do not front on the road. Landscaping will be provided in common areas which, along with street trees, will further screen and/or soften the units from the right-of-way. It is anticipated and expected that the future builder of the residential units will provide high quality architecture that will provide a variety of architectural elements to promote individuality or aesthetically pleasing appearances with offsets of buildings.

#### VI. <u>M-X-T ZONE SITE PLAN REQUITEMEMTS</u>

Sec. 27-546. - Site plans.

## (a) A Conceptual Site Plan and a Detailed Site Plan shall be approved for all uses and improvements, in accordance with Part 3, Division 9, of this Subtitle.

COMMENT: CSP-18004 was approved by the Planning Board (PGCPB Resolution No. 19-62(C)) on May 16, 2019 for 100–200 single-family attached dwellings, 40–100 two-family attached (two-over-two) dwellings, and 35,000–70,000 square feet of commercial retail for the subject site. DSP-23006 is being filed in contemplation and satisfaction of this Section.

- (b) In addition to the information required by Part 3, Division 9, for Conceptual Site Plans, the following information shall be included on Plans in the M-X-T Zone:
  - (1) A general description of the pedestrian system proposed;
  - (2) The proposed floor area ratio;
  - (3) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;
  - (4) A general description of any incentives to be used under the optional method of development;
  - (5) Areas proposed for landscaping and screening;
  - (6) The proposed sequence of development; and
  - (7) The physical and functional relationship of the project uses and components.
  - (8) Property placed in the M-X-T Zone by a Sectional Map Amendment shall provide supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, are under construction, for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or within 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 a specific public facilities financing and implementation program.

COMMENT: DSP-23006 provides the information required by Section 27-546(b). The property was placed in the prior M-X-T Zone by the District Council through CR-13-2018. A traffic study was provided with the PPS and a trip cap was imposed on the development at that time. In addition, PPS conditions include participation in a DPA with the County for the CIP for MD 223 and Brandywine Road intersection improvements. Thus the CIP project with partial developer funding will result in acceptable operations at this intersection.

## (c) In addition to the information required by Part 3, Division 9, for Detailed Site Plans, the following information shall be included on Plans in the M-X-T Zone:

- (1) The proposed drainage system;
- (2) All improvements and uses proposed on the property;

- (3) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used; and
- (4) Supporting evidence which shows that the proposed 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 or within 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 a specific public facilities financing and implementation program, 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 plan approval, whichever occurred last.

COMMENT: DSP-23006 provides the information required by this provision. Moreover, a finding of adequacy was made with the approval PPS 4-19006, and more than six (6) years has not elapsed since this finding was made.

- (d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:
  - (1) The proposed development is in conformance with the purposes and other provisions of this Division;

COMMENT: DSP-23006 is in conformance with CSP-18004 and does not impact the previous findings related to conformance with the approved CSP, and all cases are in conformance with the requirements of Part 10, Division 2, of the Zoning Ordinance.

(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 or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;

COMMENT: On March 6, 2018, Council Resolution CR-13-2018 approved three (3) specified minor amendments (known as Minor Amendments Four, Five, and Six in CR-062-2017) to the 2013 *Subregion 5 Master Plan and Sectional Map Amendment*. The purpose for these minor amendments was to better align the current land use and development policies approved for the affected properties with the approved comprehensive plan vision applicable to said properties within the 2013 *Approved Subregion 5 Master Plan* and the applicable Sector Plan, as well as Plan 2035. The property included in DSP-23006 is located within Minor Amendment Four, which rezoned the property to the M-X-T Zone.

(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;

COMMENT: The proposed development's outward orientation catalyzes adjacent community improvement and rejuvenation. With the streetscape improvements and landscaping provided, the development blends attractively with the nearby communities while also relating to the historic setting of the Surratt House.

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

COMMENT: The proposed uses are being oriented on site to present a cohesive development compatible with existing development in the area.

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

COMMENT: This development application proposes that the residential and commercial portions of the project be developed in phases; however, each phase will be self-sufficient while allowing for effective integration of subsequent phases.

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

COMMENT: The proposed pedestrian system is convenient and comprehensively designed to encourage pedestrian activity within the development, the adequacy of which was determined when PPS 4-19006 was approved.

(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

COMMENT: There are multiple areas designed for passive and active recreational use or open space that are well connected to the pedestrian network and easy to access. Details of the proposed landscaping and recreational facilities are included on Sheet 8 of the Landscape and Lighting Plan.

(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.

COMMENT: The development proposed with DSP-23006 is consistent with the development proposed with the approved CSP-18004 and 4-19006.

(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).

COMMENT: Not applicable. Not more than six (6) years has elapsed since a finding of adequacy was made when PPS 4-19006 was approved.

(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.

COMMENT: Not applicable.

Sec. 27-548. - M-X-T Zone.

- a) Maximum floor area ratio (FAR):
  - 1) Without the use of the optional method of development -0.40 FAR; and
  - 2) With the use of the optional method of development 8.00 FAR.

COMMENT: The FAR proposed by this application is 0.51.

b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

COMMENT: The uses proposed are permitted in the M-X-T Zone and are located on more than one lot and in more than one building.

c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

COMMENT: The Development Standards proposed with this application can be found on the DSP coversheet and are consistent with CSP-18004.

d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

COMMENT: The Applicant is requesting Alternative Compliance from the Prince George's County Landscape Manual Sections 4.7, Buffering Incompatible Uses and 4.10, Street Trees Along Private Streets (a separate AC SOJ has been provided).

e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

COMMENT: The Floor Area Ratio calculation is shown herein as well as the cover sheet of the DSP.

f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.

COMMENT: Not applicable. This application does not propose private structures above or below the public right-of-way.

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.

COMMENT: A variation to 24-128(b)(7) was approved with 4-19006 for 118 lots. An exhibit has been included with the DSP application which identifies the lots that are subject to the variation.

h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within onehalf (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front facade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front facade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear vard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for

a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

COMMENT: This application conforms to the requirements above.

i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.

COMMENT: Not applicable. There are no multifamily buildings proposed with this application. Notwithstanding, the two-over-two dwelling units do not exceed this height restriction.

j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding any other provision of this Code, this regulation shall not apply to property subject to the provisions of Section 27-544(f)(2)(I), above.

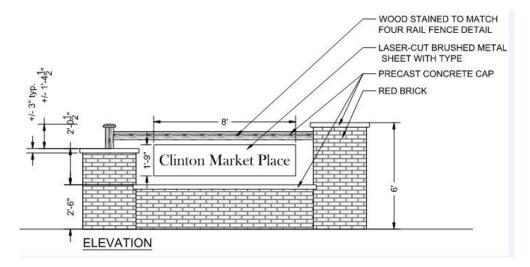
COMMENT: Not applicable. A comprehensive land use planning study was not conducted by Technical Staff for this property.

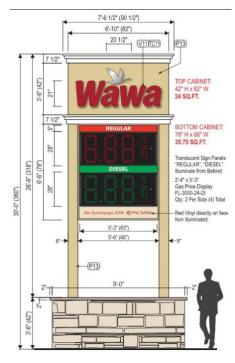
#### Sec. 27-614. Freestanding Signs.

- (e) Mixed Use Zones.
  - (1) In the Mixed Use Zones, the Design Standards for freestanding on-site signs shall be determined by the Planning Board for each development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign support, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and are in keeping with the remainder of the Mixed Use Zone development and, in the M-

## X-C Zone, are in conformance with the sign program as set forth in Section 27-546.04(j).

COMMENT: The detailed site plan submitted herewith includes sign plan that depicts the design, details, size and other information for each of the proposed freestanding signs. In total, three (3) free standing signs are proposed, two (2) associated with the commercial retail component of the project and one (1) community entry sign. Given these signs are related to the commercial and residential portion of this mixed-use development, it is worth noting that the property is predominantly in a mixed-use area with a number of existing commercial uses along Piscataway Road. Consequently, the proposed freestanding signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the mixed use zone development. The proposed signs are depicted below:





Sec. 27-613. Attached to a Builidng or Canopy.

- (f) Mixed Use Zones.
  - (1) In the Mixed Use Zones, the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the Mixed Use Zone development and, in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.04(j).

COMMENT: The detailed site plan submitted herein includes a sign plan for all signs attached to a building, and the plans indicate the design, size, methods of sign attachment for each sign. Given these signs are related to the commercial portion of this mixed-use development, it is worth noting that the property is predominantly in a mixed-use area with a number of existing commercial uses along Piscataway Road. Consequently, the proposed building mounted sign package for the commercial portion of this mixed-use project is appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the mixed use zone development.

#### VII. <u>PRIVATE RECREATIONAL FACILITIES</u>

As provided on the detailed site plan (and indicated herein), the applicant is proposing four (4) recreational areas (Areas A – D). These areas are proposed for passive and active recreational areas, and the valuation for the same exceeds the formula for determining the value of recreation facilities to be provided. Notwithstanding Staff comments at the SDRC meeting, based on and upon reliance of the Planning Board's findings when it approved PPS 4-19006, that applicant contends that the dog park must be included as a recreational amenity. Among other things, the Planning Board specifically held that "Private on-site facilities are in the form of a . . . dog park located on proposed Parcels W and X . . . . It is noted that Parcel W is shown to be a commercial parcel and Parcel X as a homeowners association parcel. Parcel X shall be adjusted so that the dog park is located entirely within this boundary." (Emphasis added). Although it is true that private and public facilities get reviewed further at the time of DSP, since the Planning Board has already accepted the utilization of a dog park to satisfy mandatory dedication of parkland pursuant to Subtitle 24, the applicant contends that it would not be appropriate for Staff to now not support the utilization of the dog park as a private recreational facility at the time of DSP. For these reasons, the applicant continues to include the proposed dog park as a private recreational facility.

In addition, and notwithstanding, Cosca Regional Park is approximately 3.5 miles southwest of this site. The park contains playgrounds, athletic fields, indoor and outdoor tennis courts, a skatepark, picnic areas, walking trails, a lake, and a campground. The Clearwater Nature Center and the historic Thrift Schoolhouse are also part of the regional park. Other nearby park facilities include Tanglewood Park located 1.5 miles east, and Fox Run Park approximately 2.3 miles to the southeast. In addition, Stephen Decatur Community Center is located 1.8 miles north of the subject property.

Furthermore, with prior conceptual site plan, the applicant and the Commission worked together on elements surrounding the Surratt House property, ultimately resulting in the Commission acquiring the parcel adjacent to the Surratt House, located at the corner of MD 223 (Woodyard Road) and Brandywine Road. At that time, the property contained a small office building that has since been demolished, which allows for better visibility of the Surratt House. Prior to approval of CSP-18004, the applicant and M-NCPPC entered into an agreement that involved the exchange of 5.83 acres of property located south of the subject site on Brandywine Road, contiguous to existing parkland, and \$319,000 in site improvements at the Surratt House site for the M-NCPPC's Parcel 85. Finally, during the review of the PPS, off-site recreational facilities, in the form of a trail head, on the property exchanged with the applicant, which is contiguous with Cosca Regional Park), was vetted. This proposed facility, located approximately 0.75 mile south of the subject property, would consist of a duck pond, boardwalk, trail, and parking. Finally, Sheet 8 of the Landscape and Lighting Plan provides details of the locations and improvements for the proposed private recreational areas (passive and active).

#### VII. WAIVER FROM TREE CANOPY COVERAGE ORDINANCE

In accordance with Section 25-128 of the County Code, properties in the M-X-T Zone are required to provide 10% of the gross tract area in Tree Canopy Coverage (TCC). On April 1, 2022, the approved County-wide Sectional Map Amendment ("CMA") and the updated Prince George's County Zoning Ordinance and Subdivision Regulations became effective, thereby, rezoning the subject property to the newly created RMF-48 Zone. Per CB-021-2024 as adopted on May 7, 2024, properties zoned RMF-48 now require at least 20% of TCC, which is double the amount of the site's previous TCC requirement when originally designed. It must be noted that notwithstanding the recent increase to the TCC requirement pursuant to CB-021-2024 that became effective on or around June 21, 2024, the applicant contends that the CMA did not rezone the property to a similar zone, which is an issue still being litigated by others in the Appellate Courts. That is, and notwithstanding the matrix that was used to rezone property – in particular properties that were in the M-X-T Zone – the resulting zone from the CMA for the subject property is a mistake and has now resulted in it being impractical to comply with the provision of tree canopy coverage. Specifically, when the CMA was adopted (CR-136-2021) on November 29, 2021, both the conceptual site plan (CSP-18004) and the preliminary plan of subdivision (PPS 4-19006) had been approved and were beyond appeal. Again, the Planning Board approved CSP-18004 on May 16, 2019 (PGCPB No. 19-62(C) was adopted on October 2, 2019) and PPS 4-19006 was approved by the Planning Board on July 22, 2021 (PGCPB No. 2021-102 was adopted on September 9, 2021). These approvals contemplated townhouse dwelling units and two-family dwelling units, both of which are not permitted in the RMF-48 Zone. In other words, the CMA incorrectly placed the property in a zoning classification that was not similar to the M-X-T Zone and the existing entitlements for the future development of the property. Similar mistakes occurred throughout the county, which gave rise to the current and pending litigation over the CMA.

The applicant contends that given the development scheme approved at the time of the CMA as well as the entitlements that existed on the property at that time, the proper zoning classification should have been the CGO Zone. Similar to the M-X-T Zone, prior to the adoption of CB-021-2024 on May 7, 2024 (which took effect on or around June 21, 2024), the TCC requirement for the CGO was 10%, which was the same for the M-X-T Zone. Furthermore, the development scheme and uses on the property are permitted in the CGO Zone. Thus, instead of the RMF-48 Zone, which, under these circumstances, bears no similarity to the prior M-X-T Zone, the property should have been rezoned to the CGO Zone. This mistake in the CMA now frames some of the basis for the requested waiver through no fault of the applicant. Indeed, and as it will be explained below, had the property been correctly rezoned to the CGO Zone as part of the CMA, coupled with the significant efforts the applicant and the design team have under taken to respond to the new requirements of CB-021-2024, a waiver to the TCC requirements would not now be needed.

Specifically, as a result of the mistaken rezoning of the property to the RMF-48 Zone and not the more similar CGO Zone, the applicant is requesting a partial waiver to reduce the required TCC percentage from 20% to 19.76% (a reduction of only 0.24%) pursuant to Subtitle 25, Section 25-130 of the Prince George's County Code. This waiver request accompanies Detailed Site Plan, DSP-23006, and seeks to further validate the prior CSP-18004 and PPS 4-19006 approvals that depicted lotting patterns which accommodate a development pattern resulting in the need for the requested waiver. It must be noted that as designed, the development exceeded the previous 10% TCC requirement under the M-X-T Zone and under the CGO Zone. With the adoption of CB-021-2024, the 10% requirement was increased to 15%, and under the residential base zones (for which the property was never previously zoned saving the incongruous rezoning due to the CMA from the M-X-T Zone (a mixed use zone) to the RMF-48 (a residential base zone that does not even permit the uses approved on the property prior to the November 29, 2021 adoption of the CMA) the TCC requirement increased from 15% to 20%. So, again, with a stroke of a pen and with no regard to years of prior approvals, the property was placed in a disparate zoning category that also then resulted in the TCC requirement for the property doubling. This, among other reasons, frames the impracticality to comply. Nevertheless, the applicant has revised its landscape plan to significantly increase tree plantings, increase the caliper size of said plantings, remove the commercial multi-tenant building, and remove the previously contemplated two-family attached (two-over-two) dwelling units – all in an attempt to respond to this higher, yet incongruent, TCC requirement. As a result, the applicant increased the proposed tree canopy coverage from 10.29% (as originally proposed with DSP-23006 as was filed and accepted) to 19.76%. Again, had the property been rezoned to a truly comparable zone, in this case the CGO Zone, the now required waiver would not be needed. Thus, the applicant contends that in evaluating the requested waiver, the Planning Board must take into account that one of the site conditions that result in the impracticality of compliance is the fact that the property was not placed in a similar zone based on the property's prior zoning and the development scheme and approvals that existed immediately prior to the adoption of the CMA.

#### Sec. 25-130. – Waivers

(a) An applicant may request a full or partial waiver from the requirements of this Division. To approve a full or partial waiver, the approving authority shall find that the application meets the following standards:

(1) Topography, site limitations, or other site conditions are such that the full compliance to the requirements are impossible or impractical to comply with the provision of tree canopy coverage on the site in accordance with this Division;

COMMENT: The subject property was placed in the M-X-T Zone through Council Resolution CR-13-2018 to better align with the current land use and development policies approved for the affected properties with the approved comprehensive plan vision applicable to said properties within the Sector Plan, as well as Plan 2035. The proposed development accomplishes this vision as demonstrated through the approved Conceptual Site Plan. CSP-18004 was approved by the Planning Board (PGCPB Resolution No. 19-62(C)) on May 16, 2019 for 100-200 single-family attached dwellings, 40-100 two-family attached (two-over-two) dwellings, and 35,000-70,000 square feet of commercial retail for the subject site in conformance with the Master Plan and Plan 2035. Subsequently, the Preliminary Plan of Subdivision for Clinton Marketplace North (4-19006) was approved with a total of 231 townhouses and two-over-two's, 6,000 square foot convenience store with gasoline facilities, and 13,178 square feet of retail. Despite this - including the rezoning of the property by CR-13-2018 to implement the Sector Plan – the CMA (as described above) placed the property in disparate zoning category (being the RMF-48 Zone) instead of a more similar zoning category (being the CGO Zone), which, among other things, results in a site condition and/or site limitation (being the actual zoning of the property) in which the full compliance with the new tree canopy coverage requirement is impractical.

Immediately after the Planning Board approved PPS 4-19006, the applicant commenced with working with Prince George's County (the administration, DPIE, DPW&T and the Office of Law) on the developer participation agreement (DPA) regarding the applicant's share of many road improvements, including frontage improvements, bypass road improvements, and the overall public road improvement project as described in the CIP (4.66.0052), and further described by PPS condition 3. Indeed, but for this project and the DPA for CIP 4.66.0052, the decades long need to improve the intersection of MD 223 and Brandywine Road/Old Branch Avenue would not now be moving forward. In other words, the Clinton Market Plan – North project and the recently executed DPA are necessary components to advance the road improvement project, which is decades in the making as a joint effort between the applicant and the County. As required by the approved PPS and the DPA, the applicant is required to dedicate land not only for road widening, but also the bypass road, thus, creating site limitations.

Along with the various road dedications and improvements, the site has also been designed to accommodate the recommended bicycle and pedestrian improvements. The submitted plans include an 8-foot-wide sidewalk along the frontage of MD 223 to fulfill the intent of the MPOT recommended side path and for consistency with the approved CSP. The plans also include an 8-foot-wide side path along the property frontage of Brandywine Road. Additionally, sidewalks are proposed along both sides of all internal roadways. The subject site is flanked on three sides by

existing development and roadways, and is at the corner of an intersection that is developed on four (4) sides. Given the site's location, the public roadways into and through the subject site have been carefully designed at the most appropriate locations, where they can connect to the abutting public roadways, so as not to conflict with surrounding developed properties and traffic operations. The pedestrian and vehicular circulation system has been designed to prioritize safety of the users. These improvements as noted and designed further support the intention of the recommended master plan facilities.

All improvements as described above are incorporated in order to adhere to prior approvals/conditions, conform to the master plan, and abide by all other applicable County Codes including Fire, EMS, and SWM regulations. The site was designed prior to the increase in TCC requirements from 10% to 20%. The applicant has been able to provide 19.76% of TCC in an effort to get closer to the new requirement. That is, since SDRC, the applicant has undertaken a significant redesign of the project – notwithstanding the site limitations and conditions that exist due to the dissimilar zoning that was placed on the property pursuant to the CMA (see above) and the significant impacts to the property as a result of the road improvement project with a bypass road that bisects the property - that includes removing the previously proposed multi-tenant commercial retail building, removing the two-family (two-over-two) dwelling units, adding more green space, and revising the landscape plan to add over 300 additional trees at a higher caliper as possible. All of these efforts resulted in the provided tree canopy coverage being increased from 10.29% to 19.76%. The site limitation or constraints simply make it impractical to provide additional tree plantings while also ensuring the survivability of said plantings. Again, had the property been correctly rezoned to the CGO based on all the circumstances that existed at the time of the CMA, this waiver would not be needed as the site exceeds the prior TCC requirement of 10% for the M-X-T Zone and exceeds the new requirement of 15% for the CGO Zone.

#### (2) Provision of the full extent of the tree canopy coverage requirement cannot reasonably be expected because of a lack of rooting space and or soil volume to accommodate healthy tree growth.

COMMENT: Abiding by the full 20% requirement would necessitate an additional 21,351 square feet of TCC. The applicant has incorporated additional trees throughout the site, while increasing tree caliper sizes to the fullest extent practicable. The applicant is aiming to limit the overcrowding of trees to maintain the survivability of the trees proposed to be planted. With the additional tree plantings, the applicant has been able to provide 19.76% of TCC. Additional trees are unable to be planted with the current site configuration due to the limited rooting space available. The major component of the site configuration is driven by the required road improvement project facilitated by this development, which includes (and is required to have) the publicly dedicated bypass road the bisects the property. Again, in an effort to comply to the TCC standard that has more than doubled as a result of an incommensurate rezoning and recent legislative increase to the percentage, the applicant redesigned the site layout to remove the multi-tenant commercial building and the two-family attached dwelling units. This allowed the applicant to be able to add more trees throughout the site to the maximum extent it could while not jeopardizing rooting space. Indeed, the applicant is proposing to plant approximately 827 trees as part of this infill redevelopment project, this is an increase from 502 trees proposed when the site satisfied the 10%

TCC requirement. Adding any more trees cannot be reasonably expected as it would compromise the rooting space and the survivability of the planted trees.

# (3) The planting of additional trees will result in the need to remove existing pavement being used to meet other County Code requirements;

COMMENT: The planting of additional trees with the appropriate spacing would result in the removal of parking spaces, sidewalks, and some alleyways, all of which are required by code and prior approvals. The removal of these areas would necessitate a redesign of the pedestrian and vehicular circulation pattern that was approved with PPS 4-19006. Notwithstanding, and again, in an effort to comply to the TCC standard that has more than doubled as a result of an incommensurate rezoning and recent legislative increase to the percentage, the applicant redesigned the site layout to remove the multi-tenant commercial building and the two-family attached dwelling units. This allowed the applicant to be able to add an additional 325 trees throughout the site to the maximum extent it could while not jeopardizing rooting space. Indeed, the applicant is proposing to plant approximately 827 trees as part of this infill redevelopment project, this is an increase from 502 trees proposed when the site satisfied the 10% TCC requirement.

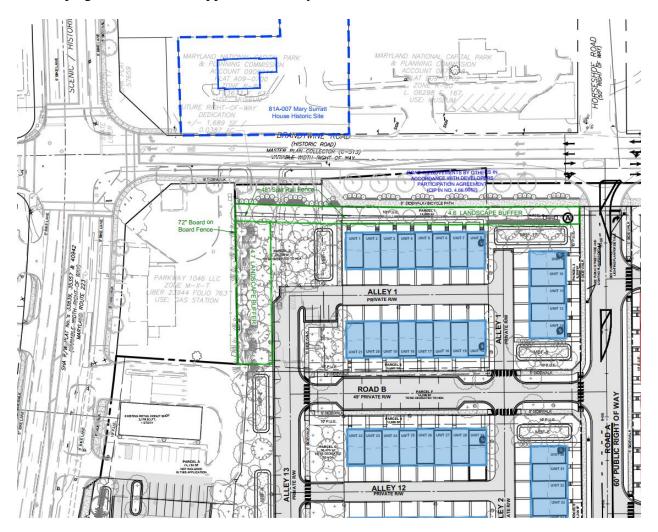
# (4) Existing or proposed parking and loading spaces are not in excess of the minimum necessary according to Subtitle 27 of this Code; and

COMMENT: The applicant will provide both on lot driveway and garage parking for the residents and on street parking and minor parking lots for visitors as desired by the Planning Board and County related to townhouse development projects – primarily mixed use townhouse development projects. The overflow parking is appropriately provided near residences to accommodate visitors and guest parking needs. The location of the parking areas were designed around the multiple points of access, to conveniently serve the mix of uses while making sure safe and efficient vehicular and pedestrian circulation is provided. The proposed parking and loading provided is not in excess of the minimum necessary to support the proposed mixed-use development. The property conforms with Section 27-574 and provides for the determinate amount of parking as prescribed by the M-X-T Zone.

# (5) The waiver is the minimum necessary based on the criteria above.

COMMENT: The partial waiver, as requested, is the minimum necessary based on the criteria above. As provided in the SOJ, DSP-23006 is being filed under and being reviewed pursuant to the prior Zoning Ordinance in accordance with Sections 27-1704(a), (d), and (k) of the Zoning Ordinance and 24-1704 of the Subdivision Regulations. That is, this development has an approved conceptual site plan (CSP-18004) and an approved preliminary plan of subdivision (4-19006) with and approved Type 1 TCP (TCP1-002-2019-01), and pursuant to Section 25-127(a)(4), plans demonstrating conformance to this Division approved as part of a permit or an entitlement case shall be subject to the regulations in place at the time of approval. Since this application is being reviewed pursuant to the M-X-T Zone and pursuant to previously approved entitlements, DSP-23006 was designed in conformance with the TCC regulations in place at the time of the approvals, which required 10% TCC. Moreover, the prior M-X-T Zone is not a comparable zone to the RMF-

48 Zone (see above). Indeed, the M-X-T Zone is a transit oriented floating zone and not a residential base zone. Notwithstanding, as explained herein, the applicant has redesigned its layout and has increased the TCC provided to 19.76%. Stated differently, the applicant increased the proposed number of trees (and caliper of trees) from approximately 502 trees to approximately 827 trees, thereby, maximizing the number of trees on the site without compromising their survivability to increase the percentage as much as it could. In other words to ensure that the requested waiver of 0.24% is the minimum necessary. Additionally, with the recent modifications to the DSP and removal of the two-family attached (two-over-two) units along Brandywine Road and the multi-tenant commercial building, the applicant was able to add an additional landscape/green area/buffer opposite the Mary Surratt House.



(b) A waiver request shall be accompanied by sufficient written, graphic, and/or photographic explanation and a statement of justification to enable an appropriate evaluation and decision regarding the request.

COMMENT: This waiver request is accompanied by the revised landscape plan depicting the additional tree plantings and this SOJ.

(c) A waiver request shall be approved by the Planning Board, Zoning Hearing Examiner, and/or the District Council for applications heard by them. The appeal process for waiver requests is the same as the appeal process as articulated in the Prince George's County Code for the associated application types.

COMMENT: Acknowledged

# VIII. <u>CONFORMANCE WITH PART 10C MILITARY INSTALLATION ZONE (Section 27-548.50)</u>

On November 15, 2016, the District Council approved the Military Installation Overlay Zone. (CR-97-2016). Regarding the proposed development, Part 10C states the following:

# Sec. 27-548.54. - Requirements for Height.

- (a) For purposes of the Military Installation Overlay Zone, heights are measured from the base of a structure to the highest point of any part of the structure, including, but not limited to, antennae, towers, poles, monopoles, or satellite dishes.
- (b) No development, structure, or alteration of the land shall exceed the height established by the Impact Map for Height.
- (c) At the time of building permit, a licensed Engineer or qualified professional of competent expertise shall certify that structures do not exceed the height established by the Impact Map for Height, utilizing the formulae and methodology set forth in this Section.
- (e) The Planning Board shall verify certification of height using the formulae proscribed in this Section as described below:
  - (1) Military Installation Overlay Zone height formulae are based upon the highest elevation of the subject property in relation to the elevation of the runways at Joint Base Andrews, which are 274 feet above sea level.
  - (2) The figures calculated through the measurements in this Section should add the difference in elevation between the runways at Joint Base Andrews and the highest elevation on the subject property: properties lower than 274 feet in elevation should add this difference in elevation; properties higher than 274 feet in elevation should subtract this difference in elevation to determine the maximum height:
    - (D) Surface E (Conical Surface): Structures shall not exceed a height (in feet) equivalent to the total of the following equation:

- (i) Subtotal: The distance between Surface A and nearest boundary of the subject property, less the distance between the subject property and the border of Surfaces D and E.
- (ii) Total: Divide subtotal by 20, then add 150.

COMMENT: The northeast corner of Parcel 226 is approximately 15,160 feet from the left runway and is located in Surface Area E. The building height in this area of the property is limited to 758-feet.

# IX. <u>CONCLUSION</u>

Based on the foregoing, as well as all of the development plans filed in conjunction with this application, the applicant respectfully requests the approval of DSP-23006.

Respectfully submitted,

MCNAMEE HOSEA, P.A.

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By:

Matthew C. Tedesco Attorney for the Owner/Applicant

Dominique tathes.

By:

Dominique A. Lockart Senior Land Use Planner

Date: July 20, 2023 (First Pre-Review Submittal) July 11, 2024 (Second Pre-Review Submittal) November 1, 2024 (Post SDRC Submittal) November 27, 2024 (Second Post SDRC Submittal)





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Countywide Planning Division Historic Preservation Section

301-952-3680

December 18, 2024

# MEMORANDUM

 TO: Te-sheng (Emery) Huang, Urban Design Section, Development Review Division
 VIA: Thomas Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division *TWG* Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS* FROM: Historic Preservation Commission

SUBJECT:DSP-23006 Clinton Market Place North (adjacent to Mary Surratt House,<br/>Historic Site 81A-007)

The Historic Preservation Commission (HPC) reviewed the subject application at its December 17, 2024, meeting. The HPC voted 7-0 to recommend to the Planning Board approval of the subject application with one condition and forwards the following findings, conclusions, and recommendations, for review by the Prince George's County Planning Board.

# Background

The subject property comprises 20.71 acres and is located in the southwest quadrant of the intersection of Piscataway Road and Brandywine Road, in Clinton. The subject property is zoned Mixed Used – Transportation Oriented (M-X-T), per the prior Zoning Ordinance, and is within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* area. The subject property is bounded to the east by Brandywine Road and is across that roadway from the Mary Surratt House, Historic Site 81A-007, and a single-family detached residential development. The property is bounded to the north by Piscataway Road and various commercial uses, to the south by vacant land and residential properties, and to the west by Surrattsville High School.

The subject detailed site plan (DSP) application proposes a mixed-use development of residential and commercial uses, with approximately 191 townhouses and approximately 5,915 square feet of new commercial/retail space (for a Wawa gas station and food and beverage store).

# Recommendation

Historic Preservation Commission recommends to the Planning Board, approval of DSP-23006, Clinton Market Place North, with the following condition:

1. The required interpretive signage shall be installed at the time the pocket park on Parcel "T" is constructed.

DSP-23006 Clinton Market Place North December 18, 2024 Page 2

# Findings

- 1. The Historic Preservation Commission reviewed the conceptual site plan (CSP-18004) for this development at its April 2019 meeting. The HPC voted to recommend approval to the Planning Board with conditions related to design review at the time of DSP and archeology.
- 2. During the review of the CSP, the HPC recommended the applicant arrange the lots so that smaller-scale buildings were located along Brandywine Road and that the fronts of the buildings face the historic site.
- 3. The Historic Preservation Commission reviewed the preliminary plan of subdivision (PPS 4-19006) for the development at its April 2021 meeting. The HPC voted to recommend approval to the Planning Board with the following conditions:
  - 1. Prior to the approval of any detailed site plan, the applicant, his heirs, successors and/or assigns shall: ensure that the scale, mass, proportion, materials, architecture, lighting and landscaping of any new construction within the viewshed of the Mary Surratt House Historic Site be reviewed for compatibility with this internationally significant property.
  - 2. Provide a plan for any interpretive signage to be erected and public outreach measures. The location and wording of the signage and the public outreach measures shall be subject to approval by M-NCPPC Historic Preservation staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
- 4. The subject DSP originally proposed two-family attached (two-over-two) condominium units along Brandywine Road, including directly across from the Mary Surratt House. After consulting with staff, the applicant revised the application to remove the two-over-two condominium units along Brandywine Road and instead provide three-story condominium townhouses. This change reduced the height of the buildings along Brandywine Road by approximately 10 feet. The revision also shifted the housing units south and replaced housing units directly across the Mary Surratt House with a concentration of landscape plantings.
- 5. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* contains goals and policies related to historic preservation and the Mary Surratt House (pages 10-20 and 132-134) and generally encourages the expansion of historic interpretation measures in Clinton (page 133).
- 6. Section 4.6 of the 2010 *Landscape Manual* applies to the developing property's frontage on Brandywine Road, a designated historic road. The proposed development fronts approximately 583 linear feet of Brandywine Road. The proposed alternative compliance with the Section 4.6 buffer is within the viewshed of the Mary Surratt House Historic Site. The Alternative Compliance (AC) application is based on space limitations created by road improvement plans and enhancing pedestrian environments and safety.

DSP-23006 Clinton Market Place North December 18, 2024 Page 3

# Conclusions

- 1. The revisions to the subject detailed site plan (DSP), including the shift of housing units south on Brandywine Road and the reduction in height of buildings across from the Surratt House Museum, are significant improvements to the compatibility of the developing property with the historic site.
- 2. The subject application includes architecture for the proposed units along Brandywine Road. Most visible from the Mary Surratt Historic Site is the Jenkins townhouse model. The Jenkins is 20 feet wide, with a rear-loaded 2-car garage, and is 36.6 feet in height to the midpoint of a side gable roof. The models are offered with architectural variations including cross gable fronts, shed roof entrance covers, bay windows, rear decks, and a variety of materials including fiberglass roof shingles, fiberglass doors, vinyl windows, and horizontal and vertical siding. In response to discussions with staff, the variety of building materials for the units most visible from the Historic Site was reduced; eliminating stone veneer and restricting the use of brick to four-foot water tables.
- 3. The subject application also provided the location and wording of two interpretive signs, which have been approved by staff. The two interpretive signs will be in a proposed pocket park in the northwest portion of the property and will be oriented toward the American Legion Post #259 building, which was previously the Clinton Rosenwald School, and was the site of an older Freedmen's Bureau School. One interpretive sign will focus on the Clinton Rosenwald School and the other on the Freedmen's Bureau School. While not directly related to the history of Mary Surratt House, the signs create other points of interest related to the history of Clinton, as encouraged by the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan.* Installation of the interpretive signage should occur at the time of construction of the pocket park, which will be conveyed to the Homeowners' Association.
- 4. The buffer along Brandywine Road has been designed with sensitivity toward the historic status of that road, and the Mary Surratt House, through fencing material and plantings. While the wooded area across Brandywine Road from the Museum Visitor Center will be lost, the vacant two-story office building and parking on the parcel directly across from the Mary Surratt House Historic Site will be demolished and planted with a mixture of shade, evergreen, and ornamental trees. Shrubs, grasses, and shade trees will be planted along Brandywine Road, opposite the Surratt House Museum grounds and Visitor Center. While the proposed landscape buffer does not conceal the development from the view of the Mary Surratt House historic site, the use of plantings and post-and-rail fence helps soften the visual impact of the developing property and provides a more visually cohesive streetscape. The proposed four-foot post-and-rail fence enhances the roadway aesthetic established by the Surratt House property's existing four-rail, post-and-rail fence along Brandywine Road.
- 5. Full cut-off lighting will be used to prevent light from spilling over onto the historic site.

#### **Property History**

The subject application is adjacent to the Mary Surratt House, Historic Site 81A-007. Built in 1852, the Mary Surratt House is a two-story, side-gabled frame dwelling with a post office and tavern room; it was built as a residence, tavern, polling place, and post office, operated by John H. Surratt.

DSP-23006 Clinton Market Place North December 18, 2024 Page 4

His widow, Mary Surratt, was implicated in the Lincoln assassination by her acquaintance with John Wilkes Booth and was hanged for conspiracy. 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 Mary Surratt House Museum is a nationally and internationally known site and is visited by thousands of people each year.

The subject property was part of John and Mary Surratt's 157-acre farm. The northwest portion of the property is adjacent to Freedman's Bureau school site (1869), the Clinton "Colored" School (Documented Property 81A-013), located at 9122 Piscataway Road. The original school was constructed in 1869 and served the community for nearly 60 years. In 1924, a survey of "colored" schools in Prince George's County reported that the Clinton School had an enrollment of 46 students through the seventh grade. The survey report commented on the favorable location of the school in the prosperous community of Clinton. The school plant was in "fair" condition, with only "some minor things" needed. In January 1925, the community began petitioning the Board of Education for a new school building and funds were appropriated the following year. The new school was constructed in 1926 with assistance from the Julius Rosenwald Fund. The school was of the "two-teacher type" constructed on two acres. The new Clinton School, constructed on the site of the old one-room schoolhouse, opened in 1927. The school was in use until the early 1950s. In 1955, the school property was auctioned, and the successful bidder was American Legion Post #259. The organization subsequently modified the building and remains its owner.

The northern portion of the developing property, fronting Piscataway Road, was previously known as "Miller's Field", and was used as a baseball, football, and soccer field, and as an event space by local organizations.



PRINCE GEORGE'S COUNTY Planning Department

1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

December 20, 2024

#### MEMORANDUM

то:	Emery Te-sheng, Planner IV, Urban Design Section, Development Review Division		
VIA:	N. Andrew Bishop, Acting Planner IV, Long-Range Planning Section, Community 🐼 for NAB Planning Division		
VIA:	Sarah Benton, Supervisor, Long-Range Planning Section, Community Planning <b>6</b> A Division		
FROM:	Korey Arsenault, Planner II, Long-Range Planning Section, Community Planning ${\cal NAB}^{ m for KA}$ Division		
SUBJECT:	DSP-23006 & (AC-23005) Clinton Market Place North		

#### FINDINGS

Pursuant to Section 27-546(d)(2) of the Prior Zoning Ordinance, the Planning Board must find "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 or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan." Master Plan conformance is required for this application.

The Community Planning Division finds that the revised plans generally conform with the recommendations of *The 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Sector Plan) and meet policies regarding the quality and aesthetics of building materials and their architectural variety, the consolidation and limitation of entrances to the site from major roadways, the provision of sidewalks, pocket parks, and sitting areas. A discussion of the Sector Plan's recommendations is provided below.

#### BACKGROUND

**Application Type:** Detailed Site Plan for property located outside of an overlay zone.

#### Planning Area: 81A

**Community:** Clinton & Vicinity

Location: Southwest quadrant of the intersection of Piscataway Road and Brandywine Road

Size: 21.26 Acres

Existing Uses: Vacant and Vacated Commercial Structure

Future Land Use: Residential Mixed Use and Residential Low

**Proposal:** The development of approximately 5,915 square feet of commercial, 193 townhouses.

Zoning: Residential, Multifamily-48 (RMF-48), MIOZ E – Conical Surface

Prior Zoning: Mixed Use-Transportation Oriented (M-X-T), MIOZ E – Conical Surface

Applicable Zoning Ordinance: Prior Zoning Ordinance

#### GENERAL PLAN, MASTER PLAN, AND SMA

**General Plan:** Plan Prince George's 2035 designates the area in the Established Communities Growth Policy area. The vision for Established Communities is "most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

**Master Plan:** The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Sector Plan) recommends Residential Mixed-Use on the northern half of the property and Residential Low on the southern half of the property. These are defined as "Include[ing] multiple uses, for example, residential, commercial, and institutional, on one property or within one zoning classification. Areas with mixed-use may vary with respect to their dominant land use... residential uses dominate in a Residential Mixed Use classification" and "Residential areas at or below 3. 5 dwelling units per acre in the developing tier and 5.7 dwelling units per acre in the Developed Tier; primarily single-family detached dwellings" respectively (page 64).

The detailed site plan shows 193 townhomes on the property, and commercial space. While this mixture of residential and commercial uses aligns with the vision of Residential Mixed-Use, it is not consistent with the Residential Low future land use due to its high-density and attached residential typology. An amendment to the plan, Council Resolution CR-013-2018, adopted on March 6, 2018 rezoned the property to the M-X-T zone. This action allows for the mix of uses on the site and provides the alternative land use. Therefore, the Sector Plan's recommended land use is no longer applicable. However, the relevant goals, policies, and strategies of the Sector Plan are still applicable and are discussed below.

# Site Design (page 114-115)

- "Orient building frontages to face the street, courtyard, or plaza. In mixed-use areas, the street facing buildings should establish a street wall deep enough from the street curb to provide wide pedestrian walkways in front of the buildings."
- "Retail commercial buildings should be designed at a human scale and coordinated in their individual designs to create cohesive and attractive spaces between them such as mini plazas and shared outdoor dining areas."

Analysis: The ingress/egress for the commercial areas face MD 223 the proposed gas station front MD 223. These uses contain large parking lots along the roadway and fail to develop a street wall and are generally auto-oriented. The applicant shall work with the Urban design and Transportation Planning Sections to design street frontages that create an active and pedestrian friendly streetscape with appropriate street furnishings and landscaping.

• "Place parking at the rear or side of all buildings in order to avoid a direct view of parking lots from the street. Provide parking islands with landscaping to soften the view of asphalt pavement and to avoid the prospect of a sea of parked cars."

Analysis: Staff recommend the use of landscape islands and other landscaping as appropriate to screen the parking. The applicant must work with the Urban Design Section to soften the view of parking areas in this location. The applicant shall also consider placing the parking and gas pumps/awning at the rear of the gas station and allowing the convenience store structure to front the street.

• "Use landscaping to beautify the street and public spaces, to buffer incompatible uses, and to screen unsightly views. Locate loading areas away from public views. Where this is not feasible, these areas should be properly screened."

Analysis: The application includes fences for screening loading areas, numerous street trees, and a pocket park. The applicant shall continue to improve streetscapes through, seating, public art, interpretive signage and wayfinding.

# **Building Design (page 116-117)**

• "Design all buildings with high-quality materials and treatments. Exterior building walls should be constructed with brick, stone, precast concrete, and other high-quality compatible materials. Reflective and tinted glass should not be used on the ground floor of any building, and ribbons or bands of glass should not be used for windows"

Analysis: The applicant proposes high quality and aesthetically pleasing building materials that include diverse, but cohesive, treatments such as brick, stone, and siding that is proposed in a balanced fenestration. The applicant must continue to work with the Urban Design Section to ensure satisfactory design.

• "Provide architectural elements and proportion that relate to a pedestrian scale in building façades. Large expanses of identical building walls should be avoided. Façades that provide a regular and frequent pattern of architectural variety through modulation of wall plane, detailing, color, texture, material, and the incorporation of art and ornament are encouraged."

# Analysis: The architectural elevations provide architectural variety and propose a range of materials, textures and colors along the building facades.

• "Encourage the use of environmentally friendly building materials and practices such as habitable roofs (rooftops that occupants of a building can use for gardening, socializing, and sunning) with appropriate paved surfaces and shade elements on commercial, office, and institutional buildings."

# Analysis: The applicant must work with the Urban Design Section to incorporate green building techniques like solar arrays, green roofs, rainwater harvesting, where appropriate.

• "Incorporate projections and recesses to add interest to buildings, especially to highlight entrances. Awnings and canopies made of high-quality materials, and proportional in design and placement, should be used where appropriate, especially over doors and windows. Colors should be compatible with primary building materials and with adjacent buildings."

# Analysis: Projections, recesses, awnings, and canopies are used in various fashions.

# **Connectivity and Circulation (page 118)**

• "Encourage all new streets using a grid or modified grid street pattern to increase connectivity and accessibility. Discourage dead-end streets and culs-de-sac."

Analysis: The application is proposing a network of streets and alleys that form a grid pattern and will provide easy mobility throughout the site. The applicant must work with the transportation section to improve connectivity and reduce dead end alleys while being mindful of the recommendation to consolidate entryways off of major thoroughfares.

• "Consolidate vehicular entryways where possible along commercial corridors and encourage shared driveways to minimize curb cuts. This will promote pedestrian safety and improve flow of vehicular traffic."

Analysis: The application proposes five (5) entrances into the property and succeeds in consolidating entrances to the property. The applicant shall continue to work with the Transportation Planning Section to ensure the traffic pattern on site promotes pedestrian safety on site and will improve vehicular traffic.

• "Limit direct vehicular access off major roadways, including highways and principal arterial streets."

Analysis: The applicant shall continue to work in collaboration with the Transportation Planning Section to mitigate the negative impact of accessing the site from MD 223 and Brandywine Road.

• "Provide sidewalks throughout the sector plan area. Use special paving in high pedestrian areas to provide a visible connecting element that reinforces the pedestrian system."

Analysis: The applicant provides five-foot sidewalks on most roadways aside from alleyways that have garages.

#### **Open Space (page 119)**

• "Provide pockets of accessible and usable open spaces and urban plazas throughout the mixed-use area, using the principles of crime prevention through environmental design (CPTED). Plazas should incorporate design elements such as fountains, public art or sculpture, and other architectural and landscape elements to create safe resting and gathering places."

Analysis: The applicant provides a pocket park and sitting area. The applicant must ensure that CPTED, placemaking, and accessible design principles are followed to create safe, inclusive, and inviting gathering spaces.

• "Incorporate pavements of varied physical texture, color, and pattern to guide movement and define functional areas."

Analysis: The application does not incorporate a variety of pavement types and patterns in the site design. Incorporating these types of elements would benefit motorists and pedestrians and help define the public realm. The applicant shall continue working with the Urban Design and Transportation Sections to provide paving that is suitable.

• "Create pedestrian comfort by incorporating street and site amenities in plazas, storefront walkways, wide sidewalks, parks, and open spaces. Bus shelters should be designed to complement building style and material. Street furniture should include but not be limited to bicycle racks, bus shelters, benches, trash receptacles, sculpture, and fountains"

Analysis: In addition to the provided bicycle racks, the applicant must include sufficient public art, benches, and other street furniture that would enhance the attractiveness and comfort of the site.

#### **Environment (page 129)**

• "Promote the use of environmentally sensitive (green) development techniques in redevelopment and new development projects, including the use of bioretention

landscaping, minimizing impervious surfaces, and the use of grass channels and swales to reduce runoff and sheet flow into stream and wetland buffers"

Analysis: The applicant must adhere to the guidance of the Environmental Planning and Urban Design Sections as it relates to green building and environmentally sensitive development techniques. The applicant shall work with the relevant sections to provide a beneficial mixture of stormwater management features and other mitigative measures.

• "Ensure that site and street designs include the use of full cutoff optic lighting systems that provide consistent light levels throughout the revitalization areas"

Analysis: The application submitted provides a detail of the proposed lighting but it does not indicate that the lighting proposed is "full cut-off". The applicant must provide lighting as described in the Sector Plan, and ensure that the lighting levels provided on site are adequate.

**Aviation/MIOZ:** The northeastern portion of this property is located within the Military Installation Overlay Zone, MIOZ E – Conical Surface and pursuant to Section 27-548.54 and 27-548.55 must meet the requirements for height and noise.

**SMA/Zoning:** Council Resolution CR-013-2018 adopted on March 6, 2018, reclassified this property into the M-X-T zone.



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12/27/2024

#### **MEMORANDUM**

TO:	Emery Huang, Development Review Division		
FROM:	Leah Daniels, Transportation Planning Section, Countywide Planning Division		
VIA: <i>ns</i>	Noelle Smith, AICP, Transportation Planning Section, Countywide Planning Division		
	Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division		

#### SUBJECT: DSP-23006 & (AC-23005) Clinton Market Place North

#### <u>Proposal</u>

The subject Detailed Site Plan (DSP) application proposes the construction of 193 townhomes and 5,915 square feet of retail space. This development will be located at the southwest quadrant of the Piscataway Road (MD 223) and Brandywine Road intersection in the Mixed-Use Transportation Oriented (MXT) zone. The Transportation Planning Section's (TPS) review of the referenced DSP application was evaluated using standards of Section 27 of the prior Zoning Ordinance.

#### **Prior Conditions of Approval**

The subject application is governed by Conceptual Site Plan (CSP) 18004 and Preliminary Plan (PPS) 4-19006. The following conditions are applicable to this application:

#### CSP-18004

- 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.

**Comment:** The site plan includes sidewalks and marked crosswalks along internal streets. Additionally, a total of 24 bicycle parking spaces are provided at the commercial and recreational spaces throughout the site.

# 4-19006

2. Total development within the subject property shall be limited to uses that would generate no more than 288 AM and 310 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall

# **DSP-23006 & (AC-23005) Clinton Market Place North** 12/6/2024 Page **2** of **5**

require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

**Comment:** The submitted trip generation matrix demonstrates the proposed uses will not exceed the trip cap established by 4-19006.

#### **Master Plan Compliance**

#### **Master Plan Right of Way**

The site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Central Branch Avenue Corridor Revitalization Sector Plan.* The property has frontage on Brandywine Road (C-513), a master planned collector with an 80-foot ultimate right-of-way and Piscataway Road (A-54) an arterial road with a 210-foot ultimate right-of-way. The right-of-way along both frontages were reviewed at the time of PPS, and no additional dedication is required with this application.

#### **Master Plan Pedestrian and Bike Facilities**

The MPOT and Sector Plan recommend the following facilities:

Planned Side Path: Brandywine Road and Piscataway Road Planned Bicycle Lane: Brandywine Road

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

**Comment:** The site plan includes an 8-foot-wide sidewalk along the property's frontage of MD 223 in addition to an 8-foot-wide side path along the property's frontage of Brandywine Road, as well as curb ramps and crosswalks at vehicular access points. The master plan facilities connect to an internal system of five-foot-wide sidewalks that provide connection to the retail and residential portions of the site. The planned facilities allow pedestrians to circulate the site's amenities while limiting the interaction between motorists and pedestrians. Staff find the proposed facilities meet the intent of the master plan.

The site plan also proposes dedicated space for bicycle parking to accommodate 24 short-term spaces on-site. Staff find the proposed facilities and amenities meet the intent of the policies and goals of the MPOT and sector plan and are consistent with prior approvals.

#### **Transportation Planning Review**

#### **Zoning Ordinance Compliance**

Section 27-274 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for Detailed Site Plans. The section references the following design guidelines described in Section 27-274(2):

# (2) Parking, loading, and circulation.

- A. Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.
- B. Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.
- C. Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.
- (6) Site and streetscape amenities
  - A. Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture should be coordinated to enhance the visual unity of the site.

(iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;

Section 27-546(b)(7) and Section 27-546(d)(6-7) discuss transportation requirements in the MXT Zone:

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

(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);

**Comment:** Three access points are proposed; two along MD 223 and one along Brandywine Road. A network of internal roads and alleys provides vehicular access to the residential and retail portions of the site. Crosswalks are provided crossing each site access point and internal pedestrian paths are provided throughout the site. As discussed above, the site plan displays an 8-foot-wide sidewalk along MD 223, providing connections to the internal sidewalks that serve the retail portion of the site. In addition, the 8-foot-wide side path along the property's frontage of Brandywine Road connects to the standard sidewalks serving the residential units.

The applicant has proposed street furniture and trash receptacles throughout the site. These amenities are primarily located within recreational areas that are accessible and do not conflict

# DSP-23006 & (AC-23005) Clinton Market Place North 12/6/2024

Page 4 of 5

with pedestrian circulation. In addition, 24 inverted U-shaped bicycle parking spaces are proposed at the retail and recreational facilities.

The M-X-T zone also requires additional analysis on parking and includes the following guidance below from Section 27-574:

(a) The number of parking spaces required in the M-X-T Zone and in a Metro Planned Community are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. Prior to approval, the applicant shall submit the methodology, assumptions, and data used in performing the calculations.

(b)The number of off-street parking spaces required for development in the M-X-T Zone and in a Metro Planned Community shall be calculated using the following procedures:

- (1) Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to be known as the peak parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80%) of the peak demand, eighty percent (80%) of the peak parking demand spaces are being occupied)."
- (2) For each hour of the day the number of parking spaces to be occupied by each use shall be calculated. These numbers are known as the hourly fluctuation pattern. For each use, at least one (1) hour shall represent the peak parking demand, and the remaining hours will represent a percentage of the peak. There may be more than one (1) hour at the peak level.
- (3) The total number of parking spaces required for all uses proposed in the M-X-T Zone and in a Metro Planned Community shall be the greatest number of spaces in any one (1) hour for the combined total of all uses proposed, based on the calculations in paragraphs (1) and (2), above. This total is known as the base requirement. The maximum parking allowable for non-residential uses is 115% of the base requirement for M-X-T properties. Parking spaces within a parking structure shall not be counted in the calculation of the maximum number of parking spaces.

**Comment** A parking analysis was submitted to determine the parking requirement for this development, resulting in a base parking requirement of 392 spaces. The DSP proposes 878 spaces, of which 698 are residential, 130 private streets, and 50 retail parking spaces. The retail parking spaces consist of 8 employee spaces, 3 ADA-accessible spaces, 9 EV charging spaces, and 30 conventional spaces. The proposed retail parking exceeds the maximum parking allowed for non-residential uses by one parking space as determined by the methodology described in Section 27-574. Prior to certification, the applicant should remove one parking space from the proposed food or beverage store building and gas station.

# DSP-23006 & (AC-23005) Clinton Market Place North

12/6/2024 Page **5** of **5** 

# **Conclusion**

Based on the findings presented above, the staff concludes that the vehicular, pedestrian, and bicycle access and circulation for this plan are acceptable, consistent with the site design guidelines pursuant to Section 27, and meets the findings for pedestrian and bicycle transportation purposes if the following condition is met:

- 1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall revise the detailed site plan (DSP), as follows, or provide the specific documentation:
  - a. Remove one parking space from the proposed food or beverage store building and gas station.





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December 23, 2024

#### **MEMORANDUM**

ТО:	Te-sheng (Emery) Huang, Planner IV, Urban Design Section
VIA:	Mridula Gupta, Acting Supervisor, Subdivision Section $M$ G
FROM:	Jason Bartlett, Planner II, Subdivision Section $\mathcal{J}^{\mathcal{B}}$
SUBJECT:	DSP-23006 & AC-23005 Clinton Market Place North

The property subject to this detailed site plan (DSP) is located in the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road in Tax Map 116, Grids C-3 and C-4. The site consists of 20.38 acres known as Lot 2, recorded in the Land Records of Prince George's County in Plat Book NLP 106, Page 20; and Parcels 59, 85 and 226, respectively recorded by deeds in the Land Records of Prince George's County in Book 36392, Page 599; Book 42333, Page 336; and Book 38672, Page 96.

The subject site is located in the Residential, Multifamily-48 (RMF-48) Zone. However, this application has been filed for review pursuant to the prior Zoning Ordinance and Subdivision Regulations and the and the property's prior Mixed Use - Transportation Oriented (M-X-T) zoning. The site is also located within the Military Installation Overlay (M-I-O) Zone for height and subject to the 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan (Sector Plan). This DSP was accepted for review on October 2, 2024. Comments were previously provided at the SDRC meeting on October 11, 2024, and this referral memo is based on revised plans received on November 1, 2024.

This DSP application proposes the development of 191 single-family attached (townhouse) dwelling units and 5,619 square feet of commercial use for a food or beverage store with a gas station (Wawa). The subject site is largely vacant and approximately half is fully wooded. The remaining portion is graded and cleared, except for Parcel 226, which is developed with an existing 6,776 square-foot office building that is proposed to be razed.

The property is further subject to Preliminary Plan of Subdivision (PPS) 4-19006, titled "Clinton Marketplace North", which was approved by the Planning Board on September 9, 2021 (PGCPB Resolution No. 2021-102(C)). This PPS approved 136 lots and 54 parcels for the development of 232 single-family attached (townhouse) dwelling units, 96 two-family attached dwellings, and 19,178 square feet of commercial development. The development proposed with this DSP in the development scope approved with PPS 4-19006. However, final plats will be required for the proposed lots and parcels approved under the PPS, following approval of this DSP. Additionally, any conditions of approval required by PGCPB Resolution No. 2021-102(C) (the PPS) prior to final record plat will also have to be met.

PPS 4-19006 was approved subject to 20 conditions, of which the following are applicable to the review of this DSP and are shown below in **bold** text. Staff's analysis of the project's conformance to the conditions follows each one in plain text:

2. Total development within the subject property shall be limited to uses that would generate no more than 288 AM and 310 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

This DSP proposes development within the scope of development approved with PPS 4-19006. The Transportation Planning Section should confirm that the proposed development is within the trip cap established by the PPS.

# 5. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.

This DSP application does not propose a revision to the mix of uses on the property. A new preliminary plan of subdivision is not required at this time.

#### 7. Development of the site shall be in conformance with Stormwater Management Concept Plan (38561-2018-00) and any subsequent revisions.

A copy of approved Stormwater Management (SWM) Concept Plan approval letters 17615-2014-01 and 38561-0 were submitted with this DSP application. The proposed development and the SWM concept plans should be reviewed by the Environmental Planning Section for conformance to this condition.

# 8. Prior to approval of a final plat:

# a. The final plat shall grant 10-foot-wide public utility easements along both sides of public rights-of-way, and one side of private rights-of-way

The DSP reflects the location of public utility easements along both sides of public rights-ofway, and one side of private rights-of-way, taking into account the subdivision final plat requirements.

# 10. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-002-2019-01). The following notes shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-2019-01), 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."

11. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

A Type 2 Tree Conservation Plan (TCP2-015-14-02) was submitted with this DSP application. The Environmental Planning Section should review the TCP2 for conformance to the approved TCP1.

- 12. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant, and the applicant's heirs, successors, and/or assignees shall provide adequate on-site and off-site recreational facilities.
- 14. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Appropriate triggers for construction shall be established with the DSP.

The applicant provided a recreation plan depicting the proposed private on-site recreational facilities and cost estimate tabulation in the DSP submittal package. The Urban Design Section should further evaluate the DSP for conformance to Conditions 12 and 14.

- 16. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land, as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Maryland-National Capital Park and Planning Commission.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.

- d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

The PPS approval included 9 parcels for two-family attached dwelling units, 136 lots for single-family attached (townhouse) development, 34 parcels for open space and private roads to be conveyed to an HOA, and 11 parcels for commercial development. The subject DSP proposes 8 parcels for single-family attached condominium dwellings (reducing the previously anticipated use of these parcels with two-family attached dwelling units), 134 lots for single-family attached dwellings (fee simple), 18 parcels for open space and private roads to be conveyed to an HOA, 1 parcel for commercial development and 2 parcels (Parcels D & H) which have been identified to be retained by owner.

The total parcels shown in the DSP are within the maximum established by the PPS. The lotting pattern shown on the DSP is consistent with the PPS except that lots and parcels have been reduced, adjusted and/or consolidated in order to address historic compatibility, increase of open space to meet current tree canopy coverage requirements and final design for commercial development areas. The layout is consistent with the PPS by organizing commercial development toward MD 223 with residential development to south of the commercial area and along Brandywine Road.

However, proposed Parcel D (indicated to be retained by owner) is an open space parcel which should be indicated to be conveyed to the HOA. Conveyance of the indicated parcels to the HOA will be required to be completed prior to the approval of building permits in accordance with the above condition.

- 18. Prior to acceptance of a detailed site plan (DSP), in accordance with the 2009 *Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities and shall show the following facilities on the DSP:
  - a. Minimum 8-foot-wide sidewalk along the property frontage of MD 223, unless modified with written correspondence by the Maryland State Highway Administration.
  - b. A minimum of two inverted U-style bicycle racks, or a style similar that allows two points of secure contact, at all proposed recreation and commercial areas.

The Transportation Planning Section should evaluate the DSP for conformance to this condition.

- 19. Prior to the approval of any detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall:
  - a. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mary Surratt House Museum Historic Site be reviewed for compatibility with this internationally significant property.
  - b. Provide a plan for any interpretive signage to be erected as well as any public outreach measures to be taken. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission Historic Preservation staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
- 20. Prior to the approval of a detailed site plan, the applicant shall perform additional archeological investigations in the northern portion of Lot 2 and on Parcel 226, as specified in the Plan for Additional Archeological Investigations, dated August 27, 2021. Further, if it is determined, as outlined in the Plan, that potentially significant archeological resources exist in the areas specified in said Plan, the triggers and requirements provided for in the Plan regarding subsequent investigations or a mitigation plan to ensure that any artifacts are curated in a proper manner shall be followed.

The Historic Preservation Section, in coordination with the Urban Design Section, should determine if this DSP addresses the requirements of conditions 19 and 20.

# **Additional Comments**

- 1. A final plat application will be required following approval of the DSP, before any permits may be approved.
- 2. Bearings and distances shown on the DSP must conform to the final record plat or permits may be placed on hold.
- 3. Proposed Parcel H shown on the DSP is an open space parcel attributable to the commercial parcel/development shown on the PPS as Parcel O (indicated on the DSP as Parcels A & B, not included in the DSP). Parcels N and O as shown on the PPS were for commercial development along MD 223, however, these have not been included in the DSP as the applicant intends to proceed with their development under the current Zoning Ordinance, in accordance with Section 27-1704(f), which does not require Detailed Site Plan approval. These parcels, however, will still need to be platted in accordance with the PPS in order to maintain the PPS and ADQ validity.

The PPS did not include commercial open space parcels, or outlot or outparcels coincidental

to the commercial areas. Instead, these areas should be incorporated into and located on the commercial parcels. Therefore, Parcel H should be removed and area incorporated into Parcel B (Parcel O as shown on the PPS), and not within the DSP area. It is noted that grading of the commercial area not included in this DSP, will be necessary in order to grade for the public roadway to be built through the development and abutting these parcels. While these Parcels A & B are not included in this DSP, they were included in the CSP and PPS for the overall site and when developed pursuant to the current Zoning Ordinance, do not require detailed site plan approval. Therefore, they may proceed to permit approval.

4. Due to the reorganization and/or reduction of lots and parcels shown on the DSP, and recommendations as discussed above, the parcel and lot designations will need to be reorganized to maintain consecutive numbering/lettering.

#### **Recommended Conditions**

- 1. Prior to certification, the detailed site plan shall be revised to:
  - a. Indicate on the coversheet lot and parcel table that Parcel D is open space to be conveyed to the HOA.
  - b. Remove Parcel H from the detailed site plan and refelct its area as part of Parcel B, not included in the DSP.
  - c. Renumber and reletter the lots and parcels to maintain consecutive numbering and lettering.

This referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The DSP has been found to be in conformance with the approved preliminary plan of subdivision with the above recommendations. All bearings and distances must be clearly shown on the DSP, and must be consistent with the record plat(s), or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



# PRINCE GEORGE'S COUNTY Planning Department

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Countywide Planning Division Environmental Planning Section

301-952-3650

ACS

December 2, 2024

### **MEMORANDUM**

то:	Emery Huang, Planner IV, Urban Design Section
VIA:	Tom Burke, Supervisor, Environmental Planning Section TB
FROM:	Chuck Schneider, Planner III, Environmental Planning Section

# SUBJECT:Clinton Market Place North; DSP-23006; TCP2-015-14-01<br/>(9110 Piscataway Road, 9113 Brandywine, 9115 Old Branch Avenue)

The Environmental Planning Section (EPS) reviewed the Detailed Site Plan (DSP) DSP-23006 submitted for Clinton Market Place North, and the Type 2 Tree Conservation Plan TCP2-015-14-02, accepted for review on October 2, 2024. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on October 11, 2024. Additional information was received on November 1, 2024. The EPS recommends approval of DSP-23006 and TCP2-015-14-02, subject to the findings at the end of this memorandum.

Review	Associated	Authority	Status	Action Date	Resolution
Case #	Tree				Number
	Conservation				
	Plan #				
4-78245	N/A	Staff	Approved	1/11/1979	N/A
				Reconsideration	
				5/10/1979	
NRI-08-07	N/A	Staff	Approved	1/28/2008	N/A
MR-1506F	N/A	Planning	Transmitted	7/30/2015	N/A
		Board			
TCP2-15-14	N/A	Staff	Approved	2/5/2015	N/A
NRI-087-07-01	N/A	Staff	Approved	2/5/2015	N/A
TCP2-015-14-01	N/A	Staff	Approved	10/31/2017	N/A
NRI-115-2018	N/A	Staff	Approved	11/9/2018	N/A
CSP-18004	TCP1-002-2019	Planning	Approved	5/16/2019	19-62(C)
		Board			
4-19006	TCP1-002-19-	Planning	Approved	7/22/2021	2021-102
	01	Board			
NRI-087-07-02	N/A	Staff	Approved	5/10/2023	N/A
DSP-23006	TCP2-015-14-	Planning	Pending	Pending	Pending
	02	Board			

# BACKGROUND

DSP-23006 and TCP2-015-14-02 Clinton Market Place North December 2, 2024 Page 2

#### **PROPOSED ACTIVITY**

The application is for the construction of a mixed-use development of residential and commercial uses: approximately 136 townhouse dwelling units, approximately 92 two-over-two condominiums, approximately 15,619 square feet for food and beverage space and 10,000 square feet of commercial/retail space.

#### **APPLICABLE ENVIRONMENTAL REGULATIONS**

This property is subject to the grandfathering provisions of the 2024 Woodland Conservation Ordinance because a Type 1 tree conservation plan associated with the preliminary plan of subdivision was accepted for review before June 30, 2024. The property must conform to the environmental regulations of the 2010 Woodland Conservation Ordinance and the 2018 Environmental Technical Manual. The property is also subject to the environmental regulations in prior Subtitles 24 and 27 because there is a previously approved preliminary plan of subdivision (4-19006) and conceptual site plan (CSP-18004), and this application is being evaluated under the prior Zoning Ordinance.

### SITE DESCRIPTION

This 21.26-acre site is located near the southwest corner of Woodyard Road and Brandywine Road in Clinton. The current zoning for the site is Residential, MultiFamily-48 (RMF-48); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Mixed-Use Transportation Oriented (M-X-T) Zone.

The site is also located across Brandywine Road from the Mary Surratt House (81A-007) which is listed on the National Register of Historic Places. A review of the available information indicates that no regulated environmental features (streams, wetlands, floodplain, and their buffers) are located on-site. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services Web Soil Survey are Beltsville silt loam, Beltsville – Urban land complex, Downer – Hammonton complex, Grosstown – Hoghole – Urban land complex, Sassafras – Urban land complex, Urban land -Beltsville complex and Urban land-Grosstown complex. Neither Marlboro Clay nor Christiana Clay are identified on or in the vicinity of this site.

According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The property drains to the south to an off-site stream system and to the east towards Brandywine Road. This site is in the Piscataway Creek watershed which flows into the Potomac River. The site has frontage on MD Route 223 (Woodyard Road) and Brandywine Road; Woodyard Road is identified as a Master Plan Arterial Roadway. Both adjacent roadways are designated as historic roadways.

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's* 2035 *Approved General Plan*. The 2017 *Countywide Green Infrastructure Plan* (GI Plan) of the *Approved Prince George's County Resource Conservation Plan* shows that the wooded area along the southwest property line is identified as an Evaluation Area.

DSP-23006 and TCP2-015-14-02 Clinton Market Place North December 2, 2024 Page 3

### **Review of Previously Approved Conditions**

The following text addresses previously approved applicable environmental conditions that need to be addressed with this application. The text in **bold** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

**Conceptual Site Plan CSP-18004**, **approved by the Planning Board on May 16, 2019**: The environmental conditions of approval are found in PGCPB Resolution No. 19-62(C).

e. Prior to certification of the CSP, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:

(1) Add "TCP1-002-2019" 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.

These conditions were met prior to the certification of the TCP1.

#### Preliminary Plan of Subdivision Plan 4-19006

This PPS was approved by the Planning Board on July 22, 2021 with 20 conditions as found in PGCPB Resolution No. 2021-102. The three conditions that are environmental in nature are as follows

6. Prior to signature approval of the preliminary plan of subdivision, submit a copy of the approved stormwater management concept plan and letter for the residential half of the project.

7. Development of the site shall be in conformance with Stormwater Management Concept Plan (38561-2018-00) and any subsequent revisions.

9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 Tree Conservation Plan (TCP1-002-2019-01) shall be revised, as follows:

a. Add to the "00" line of the approval block, "C. Schneider," "8/16/2019," and "CSP-18004."

b Add to the "01" line of the approval block in the DRD column "4-19006."

c. Revise the woodland conservation worksheet to add the 0.43 acre of reforestation-landscape buffer that was added with TCP2-015-2014-01.

d. Add the following note under the woodland conservation worksheet: "As part of TCP2-015-2014-01, the applicant graded the commercial portion of the site and purchased 4.16 acres of off-site afforestation credits. The applicant of the residential portion of the site is required to meet the remaining woodland conservation requirement of 0.43 acres of reforestation-landscape buffer bond and 4.69 acres with off-site conservation."

e. Have the revised plan signed and dated by the qualified professional preparing the plan.

These conditions were met prior to the signature approval of the TCP1.

10. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-002-2019-01). The following notes shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-2019-01), 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."

11. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

These conditions will be met at the time of the final plat acceptance.

#### **ENVIRONMENTAL REVIEW**

# Natural Resource Inventory Plan/Existing Features

There have been several Natural Resource Inventory plans approved for this location. First, there was NRI-087-07, which was for the majority of the site except for the parcel owned by M-NCPPC, and then an NRI revision (NRI-087-07-01) approved on February 5, 2015.

DSP-23006 and TCP2-015-14-02 Clinton Market Place North December 2, 2024 Page 5

Later, NRI-115-2018 was approved on November 9, 2018, and referenced solely the M-NCPPC property and the adjacent existing office building. An NRI (NRI-087-07-02) was approved on May 10, 2023, for the entire application area and this plan was provided with this application. The TCP2 and the DSP show all the required information correctly in conformance with the NRI.

No revisions are required for conformance to the NRI.

#### Woodland Conservation

This property is subject to the grandfathering provisions of the 2024 Woodland Conservation Ordinance because the property had a TCP that was accepted for review on or before June 30, 2024, and shall conform to the environmental regulations of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO).

The woodland conservation threshold (WCT) for this 21.26-acre property is 15 percent of the net tract area or 3.19 acres. The previous TCPs were approved by meeting the woodland conservation requirements with 11.69 acres of off-site woodland credits.

The 10.73-acre front portion of the property along Piscataway Road has been mass graded in accordance with TCP2-015-14-01, which showed the woodland requirements were met by purchasing 4.16 acres of afforestation credits at the Brown Preserve Woodland Conservation Bank (TCP2-098-05). As part of the subject TCP2, the remaining woodland conservation requirement (7.53 acres) has been previously approved with 4-19006 for off-site woodland credits.

#### **Specimen Trees**

#### **Review of Subtitle 25 Variance Request**

Section 25-122(b)(1)(G) 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 [Environmental] Technical Manual." The code, however, is not inflexible.

The authorizing legislation of Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George's County's WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A variance to remove one on-site specimen tree was approved with CSP-18004. No additional specimen trees are requested for removal with this application.

#### **Regulated Environmental Features**

According to information available on PGAtlas and the approved NRIs, there are no regulated environmental features located on-site or immediately adjacent to the site.

DSP-23006 and TCP2-015-14-02 Clinton Market Place North December 2, 2024 Page 6

#### **Stormwater Management**

The site has two approved Stormwater Management Concept Plans #17615-2014-01 and 28561-2018-00 associated letters that are in conformance with the current code, which is valid until December 9, 2026, and January 12, 2027, respectively. The SWM concept plans shows the use of environmental site design elements such as micro-bioretention and submerged gravel wetlands to address water quality requirements. No stormwater management fee for on-site attenuation or quality control measures is required. The approved concept plan is consistent with the detailed site plan.

#### SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The Environmental Planning Section has completed the review of DSP-23006 and TCP2-015-14-02 recommends approval, subject to the following findings and conditions:

#### **Recommended Findings**

1. No specimen trees are requested for removal with this application.

2. No additional impacts to the on-site primary management areas or regulated environmental features are proposed with this application.



1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

November 12, 2024

#### MEMORANDUM

TO: Emery Huang, Planner IV, Urban Design Section

FROM: Alice Jacobs, Planning Technician III, Permit Review Section

SUBJECT: DSP-23006 & AC-23005 – Clinton Market Place North

- 1. Provide details of freestanding sign for multi-tenant building.
- 2. The proposed gas station pylon sign is higher than typically allowed sign height of 25feet. However, this is a Mixed-Use Zone, and standards are determined by the Planning Board.
- 3. Signage for multi-tenant building is calculated as channel lettering. It should be noted only the plan that only channel lettering is allowed.
- 4. The signage schedule square footages differ from the WAWA building sign details provided and from the sign exhibit provided.
- 5. The Permit Review Section offers no further comments on this application at this time, as M-X-T Zoned property development standards are determined by the Planning Board.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation 6600 Kenilworth Avenue Riverdale, Maryland 20737

### MEMORANDUM

DATE:	December 9, 2024
ТО:	T-sheng Huang, Planner IV Urban Design Section, Development Review Division Planning Department
VIA:	Sonja Ewing, Assistant Division Chief SME Dominic Quattrocchi, Planning Supervisor DQ Park Planning and Environmental Stewardship Division Department of Parks and Recreation
FROM:	Ivy R. Thompson, Planner III IRT Land Acquisition/Management & Development Review Section Park Planning and Environmental Stewardship Division Department of Parks and Recreation
SUBJECT:	DSP-23006 Clinton Marketplace North

The Department of Parks and Recreation (DPR) has reviewed and evaluated this Detailed Site Plan proposal as they pertain to public parks and recreational facilities.

# **PROPOSAL**

This application is for the development of residential and commercial uses consisting of townhouse dwelling units, approximately 15,619 square feet for food and beverage space and 10,000 square feet of commercial/retail space.

#### **BACKGROUND:**

This 21.26-acre site is located near the southwest corner of Woodyard Road and Brandywine Road in Clinton. The property, zoned Residential, MultiFamily-48 (RMF-48), is within the *2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan* area. The applicant is using the zoning standards in effect prior to April 1, 2022, for the Mixed-Use Transportation Oriented (M-X-T) Zone. The Mary Surratt House (81A-007) which is listed on the National Register of Historic Places, owned by M-NCPPC and operated by the Department of Parks and Recreation (DPR) as a public museum located across Brandywine Road.

Nearby Park and Recreation facilities include Tanglewood Park located 1.5 miles east of the subject property, Stephen Decatur Community Center located 1.8 miles north of the subject property, Fox Run Park approximately 2.3 miles to the southeast of the subject property. Cosca Regional Park, approximately 3.5 miles southwest of the site, is developed with playgrounds, athletic fields, indoor and outdoor tennis courts, a skatepark, picnic areas, walking trails, a lake, and a campground. The Clearwater Nature Center and the historic Thrift Schoolhouse are also part of the regional park.

#### **DISCUSSION:**

The Preliminary Plan of Subdivision, 4-19006, approved via Planning Board Resolution 2021-102 adopted September 9, 2021, conditioned onsite and offsite recreation facilities to meet the Mandatory Parkland Dedication requirement per Subdivision Regulations 24-135. Conditions 12, 13, 14,15 and 17 are relevant to meeting the onsite Mandatory Parkland Dedication requirements. DPR staff find the proposed passive and active recreation areas as onsite recreation amenities satisfy conditions 12-15. Urban Design staff will work with the applicant and identify the specific amenities via the private recreation facilities agreement (RFA). Condition 17 requires the applicant to submit public recreational facilities agreements for the construction of offsite recreation facilities on M-NCPPC owned land prior to final plat. The condition states:

"The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of off-site recreational facilities on Maryland-National Capital Park and Planning Commission land, for approval, prior to a submission of a final record plat. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat. The public RFA shall establish the timing for the construction of the off-site recreational facilities."

This condition remains relevant. The previously negotiated off-site recreational facilities are cited in the PPS as being a trail head, located on Prince George's County Department of Parks and Recreation property (Cosca Regional Park). Per approved CSP-18004, M-NCPPC DPR staff and the applicant entered into an agreement that involved the exchange of 5.83 acres of property located south of the subject site on Brandywine Road, contiguous to existing parkland, and \$319,000 in site improvements at the Surratt House site for the M-NCPPC's Parcel 85. Given the proximity of the development to Surratt's House, DPR staff recommend that the public RFA includes off-site recreation facilities within the Surratt's House Museum property in-lieu of Cosca Regional Park. DPR staff will work with the applicant to address the proposed impacts and any public amenities as part of the public RFA prior to the final plat.

# Surratt's House Museum

The Central Branch Avenue Sector Plan describes the Surratt House, which is east of the subject site, as a unique but hidden tourism opportunity, as well as a national landmark. The plan recommended expanding and enhancing the Surratt House site to be a stronger regional tourism draw. The Maryland-National Capital Park and Planning Commission (M-NCPPC) acquired the parcel adjacent to the Surratt House, located at the corner of MD 223 (Woodyard Road) and Brandywine Road. This acquisition provides greater visibility of the Surratt House. The architectural designs, fencing and landscaping complement the Surratt House Museum property along Brandywine Road. The applicant is also employing full cut-off lighting to prevent light spilling over onto the historic site. To advance ongoing stewardship and interpretation of the Surratt's House and its historical setting along Brandywine Road, DPR staff recommends the following for the residential units, open space and landscaping facing the Surratt House Museum (SHM):

- a. Exclude stone veneer from the townhouse units orienting SHM.
- b. Only utilize a split rail fencing on the subject site along Brandywine Road.
- c. Provide wider tree boxes to visually increase the buffer along Brandywine Road.
- d. Provide the planting plan for DPR staff review prior to the DSP certification.

e. Reduce the height by 10 feet of the Jenkins model along Brandywine Road.

#### **RECOMMENDATION:**

DPR staff recommends approval of Detailed Site Plan DSP-23006 Clinton Marketplace North with the following conditions:

- 1. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of off-site recreational facilities on Maryland-National Capital Park and Planning Commission land, for approval, prior to the submission of a final record plat. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat. The public RFA shall establish the timing for the construction of the off-site recreational facilities.
- 2. The applicant shall:
  - a. Exclude stone veneer from the townhouse units orienting SHM.
  - b. Install a split rail fence along Brandywine Road.
  - c. Provide a wider tree box to increase the buffer along Brandywine Road.
  - d. Provide the planting plan for DPR staff review prior to the DSP certification.
  - e. Reduce the height by 10 feet of the Jenkins model along Brandywine Road.
- cc: Leonard Pettiford



THE PRINCE GEORGE'S COUNTY GOVERNMENT Department of Permitting, Inspections and Enforcement Site/Road Plan Review Division



# MEMORANDUM

October 24, 2024

TO:	Te-sheng Huang, Urban Design Section
	Development Review Division, M-NCPPC

FROM:	Rey de Guzman, P.E., Site/Pood Plan Paviau	Associate Director	Reunaldo	de Aurman
	Site/Road Plan Review	Division, DPIE	<i>f</i>	

Re: Clinton Marketplace North Detailed Site Plan (DSP-23006)

CR:Piscataway Road (MD 223)CR:Brandywine Road

This memorandum is in response to the Detailed Site Plan (DSP-23006) referral, for the development of approximately 136 townhouse dwelling units; approximately 92 two-over-two condominiums units; and approximately 15,619 square feet of new commercial/retail space (consisting of 5,619 square feet for a food or beverage store (Wawa) and 10,000 square feet within a multi-tenant commercial/retail building). The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

**Background Information:** 

- The property addresses are 9110 Piscataway Road, 9113 Brandywine Road, and 9115 Old Branch Avenue, Clinton, MD 20735.
- Piscataway Road also known as Maryland Route 223 is a State-maintained roadway to the north of the subject development with a variable right-of-way width. The applicant shall provide right-of-way dedications and construct roadway/frontage improvements for Melwood Road as required in accordance with Maryland State Highway Administration (MSHA) as determined necessary. This work shall be permitted prior to or concurrent with the issuance of a fine grading permit.
- The Master Plan Trail along Piscataway Road right-of-way is classified as a side path and shall comply with the standards set forth by the 2009 Countywide Master Plan of Transportation.

- Brandywine Road is a County-maintained Urban Collector Roadway to the east of the subject development with a variable right-of-way width, requiring a right-of-way width of 80' or more. The approved street-grade establishment plan reflects a right-of-way exceeding 80' width, for bioswales in the public right-of-way. The applicant shall provide right-of-way dedications and construct roadway/frontage improvement in accordance with the Department of Public Works and Transportation (DPW&T) Urban 4-Lane Collector Road Standard (Std. 100.03). This work shall be permitted prior to or concurrent with the issuance of a fine grading permit. The applicant's frontage on this roadway is not continuous. The applicant and County are in discussion for a possible developer led by Capital Improvement Project to widen the project and non-project frontage. If this project is approved and funded, the entire roadway frontage may be widened by the developer.
- The Master Plan Trail along Brandywine Road right-of-way is classified as a bike lane and shall comply with the standards set forth by the 2009 Countywide Master Plan of Transportation.

### Water and Sewer Plan:

- The 2018 Water and Sewer Plan designates platted Parcel 2 and platted Parcel 226 in Water and Sewer Category 3, and parcels 59 & 85 in a "Dormant" Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, to be developed on the public sewer system. The aerial map reflects Parcel 2 and Parcel 226 being developed with commercial structures (service station and office building).
- Renewal of Category 3 (parcels 59 & 85), obtained via the Administrative Amendment process, must be approved before the recordation of a final plat. Please contact the Water and Sewer Plan Coordinator, DPIE, for further information and instructions.
- Water and sewer lines in Piscataway Road and Brandywine Road abut the property. Water and sewer line extensions or onsite systems may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before the recordation of a final plat.

#### Geotechnical Comment:

- A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for all proposed roadways and Marlboro clay, is required.

#### Roadway Frontage Improvements:

- For ADA purposes, the applicant should remove all the manholes from the sidewalk/bicycle path along Brandywine Road.
- The applicant shall demonstrate the 37 feet minimum turning curve radius at the intersection of Brandywine Road and site access/bypass road "A".

- The applicant shall provide physical concrete Pork Chop Island on the site access/Bypass Road at the intersection with Brandywine Road limiting traffic movement to right in/right out only in lieu of the in-laid pavement marking shown on the approved concept plan.
- Full-width, 2-inch mill-and-overlay for all existing County, roadway frontages are required.
- Compliance with DPW&T's utility policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with "DPW&T Policy and Specifications for Utility Installation and Maintenance Permits" is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. In addition, sidewalks must always be kept open for pedestrians.
- Conformance with DPIE street lighting specifications and standards is required. Adjustments to street lighting, to accommodate the proposed plan improvements, are required in accordance with Section 23-140 of the Prince George's Road Ordinance.
- The internal subdivision streets' centerline radii are to be designed and constructed in accordance with DPW&T's Table I-2 design criteria.
- Private roads to be at least 22' wide, bonded, and permitted in accordance with applicable County codes, standards, and specifications.
- Maintenance of private streets is not the responsibility of Prince George's County.
- Roadside trees will be required along County-maintained roadways within the limits of the permit area.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).

## Storm Drain and Stormwater Management and Floodplain:

- The Detailed Site Plan (DSP-23006) is consistent with the approved Site Development Concept Plans filed under DPIE Case No. 38561-2018-0 & Case No. 17615-2014-01 and approved on 01/12/2024 & 12/09/2023 respectively.
- The proposed development will require a site development permit approved by DPIE.

- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance with the standards and specifications set forth by DPIE and DPW&T. Approval of all facilities is required prior to permit issuance.
- All easements and maintenance agreements are to be approved by DPIE and recorded prior to technical approval.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
  - a) Final site layout, exact impervious area locations are not shown on plans.
  - b) The exact acreage of impervious areas has not been provided.
  - c) Proposed grading is not shown on plans.
  - d) Stormwater volume computations have been provided with the concept submittal. These computations shall be further updated with site development fine grading permit submission.
  - e) Erosion/sediment control plans that contain the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion, and sediment control practices are not included in the submittal.
  - f) A narrative in accordance with the code has not been provided.
  - g) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or require additional information, please contact Mr. Nfor Adamu, Acting District Engineer for the area, at 301.636.2060.

#### NA: II:AG:

cc: Rene' Lord-Attivor, Chief Engineering, S/RPRD, DPIE Mariwan Abdullah, P.E., Acting Chief Engineer, S/RPRD, DPIE Nfor Adamu, Acting District Engineer, S/RPRD, DPIE Salman Babar, CFM, Engineer, S/RPRD, DPIE MJ Labban, Engineer, S/RPRD, DPIE Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE Irfanullah Irfan, Engineer, S/RPRD, DPIE Piscataway Clinton, LLC., 10100 Business Parkway, Lanham MD 20706 McNamee Hosea, 6404 Ivy Lane Suite 820, Greenbelt, MD 20770



Division of Environmental Health/Disease Control

Date: October 11, 2024

To: Te-sheng (Emery) Huang, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

## Re: DSP-23006 & (AC-23005) Clinton Market Place North

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan for The Clinton Market Place North located at 9110 Piscataway Road and 9115 Old Branch Ave. and has the following comments / recommendations:

- 1. The applicant should assure that all sources of air pollution have been registered with the Maryland Department of the Environment, Air and Radiation Management Administration. Such sources include gasoline underground storage tanks, degreasing tanks and paint spraying operations. Contact MDE ARMA at 800-633-6101.
- 2. The applicant must obtain a permit from the DPIE Plan Review office for the construction of the food facility. DPIE Online Applications Link: DPIE Online Applications Link: <u>https://www.princegeorgescountymd.gov/1577/Applications</u>
- 3. An application should be submitted to the Health Department for a Moderate Priority Food Facility Permit. MOMENTUM URL: https://momentumhome.princegeorgescountymd.gov/
- 4. Health Department permit records indicate there are approximately six existing carryout/convenience store and one grocery food facilities within a <sup>1</sup>/<sub>2</sub> mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

The plan proposes the development of several recreational facilities. Access to active recreational facilities can promote positive health outcomes.



Environmental Engineering/Policy Program Largo Government Center 9201 Basil Court, Suite 318, Largo, MD 20774 *Office* 301-883-7681, *Fax* 301-883-7266, *TTY/STS* Dial 711 www.princegeorgescountymd.gov/health



Division of Environmental Health/Disease Control

- 5. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- 6. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us



Environmental Engineering/Policy Program Largo Government Center 9201 Basil Court, Suite 318, Largo, MD 20774 *Office* 301-883-7681, *Fax* 301-883-7266, *TTY/STS* Dial 711 www.princegeorgescountymd.gov/health



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

**Fire/EMS Department Headquarters** 

Office of the Fire Marshal

October 2, 2024

Te-Sheng (Emery) Huang, Planner III Urban Design Section The Maryland-National Capital Park and Planning Commission Development Review Division 1616 McCormick Drive Largo, Maryland 20774

Dear Mr. Huang:

The Office of the Fire Marshal of the Prince George's County Fire/EMS Department has reviewed the referral for DSP-23006 & (AC-23005) Clinton Market Place North (PB). These are our 1<sup>st</sup> comments:

- 1) Alley 2 on Sheet 6, Alley 10 on Sheet 7, and Alley 8 on Sheet 9 appear to be a dead ends greater than 150'.
- 2) Alley 4 on Sheet 8 does not provide the required 22' fire access road for lots 46-57.
- 3) Please show proposed and existing fire hydrants. Fire hydrants must be provided within 500' of the most remote point on all buildings and within 200' of the fire department connection (FDC) on all sticks of 2 over 2 units. These measurements must be made as hose is laid by the fire department; along drive aisles, around corners and obstacles, etc.
- 4) Please incorporate the provided/attached fire lane markings and signage into the DSP. Markings and signage will be required in accordance with Subtitle 11-277. A cut-sheet for the required sign is also attached.
- 5) While not a site requirement, the Office of the Fire Marshal urges the applicant to include the following parking restrictions in any HOA regulations and provide this information to all homeowners prior to or at the time of settlement:
  - Residents must make full use of the parking provided for their unit (garages and driveways) before parking cars in limited on-street parking spaces. Garages must not be converted to living space or used completely for storage other than cars.
  - No parking in alleys
  - Cars parked on driveway pads cannot protrude into any provided sidewalk
  - No parking across a driveway apron on any alley or street.
  - Parked cars shall not block any driveway including that the owner.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

**Fire/EMS Department Headquarters** 

- Parked cars shall not block or intrude into any crosswalk
- Cars shall not be parked in any intersection or protrude into any intersection.
- Cars parked in alley driveways shall not protrude into the alley.
- 6) Because all drive aisles in the community are primarily 22' wide or less, no on-street parking will be allowed except where additional width is provided for designated on-street spaces. The Fire/EMS Department has an interest in discouraging on-street parking that would compromise the ability of fire apparatus to quickly access all units in the community. Two car garages with parking pads provide the ideal amount of parking per unit (4 spaces). Because the plan proposes a number of one car garage units with only 2 spaces per unit, we believe there will be significant pressure for additional on street parking. This makes the marking of fire lanes prior to occupancy and the promulgation of the parking regulations, suggested in item 5 above, imperative to ensure clear fire access in the community.

Sincerely,

James V. Reilly Project Coordinator III



# **Prince George's County Fire/EMS Department**

Office of the Fire Marshal Fire Prevention and Life Safety Inspections 9400 Peppercorn Place Fifth Floor Largo, MD 20774

301-583-1830

# FIRE LANES

Fire lanes, indicated by painted curbs and signage, are required at new and existing buildings to ensure fire access is not compromised by parked cars or other obstructions. The following information is provided to guide property owners and managers through the Fire Marshal process for inspecting and installing fire lanes.



## FIRE LANES:

Fire lanes are fire access roads, drive aisles, and roadways that the Office of the Fire Marshal has declared or designated as fire lanes, requiring the application of paint and the installation of signs to preserve fire access to the building. This designation must come at the direction of the fire marshal who will maintain a file of the designated fire lanes for the property. A property owner cannot create a fire lane by applying paint and signage. To be enforceable, the fire lane must be declared and recorded by the fire marshal.

The fire marshal has authority to declare fire lanes on private property such as shopping centers, apartments, and townhome developments with privately owned roads. The fire marshal cannot declare fire lanes on State, County, or municipal roads.

## FIRE LANE INSPECTIONS:

For new buildings, the owner or general contractor should request a fire lane inspection from the Office of the Fire Marshal at least 60 days prior to their intended occupancy date. There is a \$150.00 fee for the fire lane inspection. Payment for the fire inspection can be made online at the link below. Select "Fire Lanes" as your inspection type.

https://www.velocitypayment.com/client/princegeorges/fire/index.html

Once payment is made, a case will be created and assigned the inspector for that area. The inspector will call the provided contact to schedule the inspection.

## FIRE LANE STANDARDS:

In order to preserve a 22' wide drive aisle free of obstructions for fire access to a building, the fire inspector will ask for fire lane markings (paint and signage) along the most likely path or paths of fire apparatus access leading to and adjacent to the building.

**Width:** Fire Lanes shall be 22' wide. Smaller driveways and aisles may still be declared as fire lanes at the discretion of the inspector.

Roads < 29' shall be painted and signed on both sides. Roads < 36' shall be painted and signed on one side. Roads > 36' may not require markings. The inspector will determine the need for markings on a case by case basis.

- Paint:Fire Lanes shall be painted with yellow DOT grade traffic paint meeting<br/>the Federal Specification TT-P-1952D, Type II requirements.
- **Curbs:** Paint will be applied to the cap and face but not the pan of the curb. No Stenciling is required. No hatching or striping of the pavement is required.
- **Signage:** Signage with the language specified in County Subtitle 11-277 shall be provided (see cut sheet below.) Signs must be mounted on appropriate posts or channel such that the bottom of the sign is 7' from the finished ground. Sufficient signs shall be provided so that every portion of the fire lane will be within 35' of a sign. Typically, signs will be placed at the curbline. The fire inspector can make case by case determinations for unique sign placement situations.



------ Original message ------From: <u>sg3627@verizon.net</u> Date: 8/15/24 8:14 PM (GMT-05:00) To: "Huang, Te-sheng (Emery)" <<u>Tesheng.Huang@ppd.mncppc.org</u>> Cc: "Matthew C. Tedesco" <<u>mtedesco@mhlawyers.com</u>>, "Garland, Hyojung" <<u>hyojung.garland@ppd.mncppc.org</u>>, "Kosack, Jill" <Jill.Kosack@ppd.mncppc.org>, "Conner, Sherri" <<u>sherri.conner@ppd.mncppc.org</u>>, "Hancock, Crystal" <<u>crystal.hancock@ppd.mncppc.org</u>>, "Ray, Bobby" <<u>Bobby.Ray@ppd.mncppc.org</u>> Subject: Re: Responses to Community concerns about DSP-23006, CLINTON MARKET PLACE NORTH

Mr. Huang,

Thank you for your quick response.

Pertaining to infrastructure to support new developments, I assume DPW&T (301) 883-5600 would have some responsibility for input.

In reference to Police recruitment efforts, planned retirements, etc., the Chief of Police Malik Aziz (301) 352-1200, should be able to provide a current status report.

For the FireFighters and EMS, Fire Chief Tiffany Green (301) 583-2200, should have a current assessment in reference to recruitment efforts, planned retirements, needed fire vehicles, equipment and ambulances. Additionally, the Prince George's County Volunteer Fire and Rescue Association may have additional information. The Maryland State Firefighter's Association, Crofton, Md (443) 302-291, can provide detailed information on why the State has difficulty in recruiting, retention, and issues preventing certification of new Volunteer Firefighters and EMT's.

For your reference, I have attached below the Subdivision requirements for the Level of Service (LOS) response times for Police, Fire, EMS. This includes ensuring Public Safety Master Plan addresses the availability and mitigation measures.

I hope this helps!

BTW, I did meet with a senior 911 Operator / Dispatcher today who advised me they have had trouble getting qualified individuals to apply over many years to go through the extensive training and get certified. Some, have been rejected due to continuous and ongoing drug use, some who simply don't want to come to work. The question in the back of my mind is, when it comes to the impact to the citizens of Prince George's County, how bad does it have to get before someone takes specific actions, to bring about specific results?

I just read DC is paying \$800 bonus per month for 911 Operators that show up for their shifts. Crazy!

Respectfully,

Steve Gershman (202) 236-8905

lnline image

Inline image

lnline image

Inline image

Inline image

Sent from the all new AOL app for iOS

On Thursday, August 15, 2024, 5:34 PM, Huang, Te-sheng (Emery) <<u>Tesheng.Huang@ppd.mncppc.org</u>> wrote:

Hello Mr. Gershman,

Good evening. Thank you for reaching out to us and expressing your concerns about the development of DSP-23006 (Clinton Market Place). Your concerns, to name a few, include overdevelopment and no additional infrastructure, Police, Fire, EMT's and 911 Operators to support the subject SDP as well as the community as a whole. These concerns will be included in the technical staff report to the Planning Board (PB). This case has not been officially accepted yet. So, no PB date for it has been determined yet.

To become a person of record, please use this link

(<u>https://www.pgplanningboard.org/participate/become-a-person-of-record/</u>). To obtain the traffic study for DSP-23006, please use this link (<u>Public Information</u> <u>Request - The Maryland-National Capital Park and Planning Commission</u> (<u>mncppc.org</u>))

I am not sure where I could get information regarding what actions will be (or have been) taken to provide a proper level of Police, Firefighters and 911 Operators to the area where the site for DSP-23006 is located. Since your initial email to me also included both the council's office and Mr. Tedesco, attorney for this application, you might be able to get some information from them.

Please let me know if you have other questions.

Sincerely,

Emery

#### Te-Sheng (Emery) Huang

Planner IV | Urban Design Section | Development Review Division 301-952-4534 | <u>Tesheng.Huang@ppd.mncppc.org</u>

1616 McCormick Drive, Largo, MD 20774

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FW: Responses to Community concerns about DSP-23006, CLINTON MARKET PLACE NORTH - Huang, Te-sheng (Emery) - Ou...

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A black and green house Description automatically generated

From: sg3627@verizon.net <sg3627@verizon.net> Sent: Wednesday, August 14, 2024 4:39 PM To: Huang, Te-sheng (Emery) <<u>Tesheng.Huang@ppd.mncppc.org</u>> Cc: <u>CouncilDistrict9@co.pg.md.us</u> <<u>CouncilDistrict9@co.pg.md.us</u>>; <u>mtedesco@mhlawyers.com</u> <<u>mtedesco@mhlawyers.com</u>> Subject: Fw: DSP-23006, CLINTON MARKET PLACE NORTH

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Huang,

Forwarding the attached documents in response to McNamee Hosea Attorneys & Advisors letter, dated 02 August 2024, concerning DSP -23006, Clinton Market Place North.

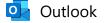
I have also attached referenced Prince George's County Budget for FY2025 (Pgs. 3, 15, & 16)

Although limited numbers of Police and FireFighters have been identified, this doesn't mean that recruitment efforts and/or retention efforts will be successful. Additionally, please be advised there is a significant concern over recruitment efforts for 911 Operators, which has had dismal results over the past two years. I believe this is due to (1) Salary amount, (2) Reported 12 hour shifts, and (3) Mandatory overtime.

Respectfully submitted,

Steve Gershman

sg3627@verizon.net



#### Fw: Voice Mail (51 seconds)

From Mitchum, Joshua < Joshua.Mitchum@ppd.mncppc.org>

Date Thu 2024-10-10 3:37 PM

To Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org>

1 attachments (153 KB) audio.mp3;

Joshua Mitchum

Planner III | Development Review Division | Zoning Section 301-952-4132 | joshua.mitchum@ppd.mncppc.org



From: DAMBREVILLE,NIC <+16178426413> Sent: Thursday, October 10, 2024 3:20 PM To: Mitchum, Joshua <Joshua.Mitchum@ppd.mncppc.org> Subject: Voice Mail (51 seconds)

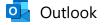
**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Hello, this is nickname my name Amberville hyphen James and I'm calling in regards to I want to have some questions about DSP 23006. If you can give me a call back that would be awesome and I promise you I won't keep you on winded. I just have couple questions about the project or I mean what happens when you become a person or a registered person to be a party of the planning board and things like that I'm just curious to know as I'm new to this. So my number is 617-842-6413. Again, my number is 617-842-6413. Thank you. Bye bye.

You received a voice mail from DAMBREVILLE, NIC.

Thank you for using Transcription! If you don't see a transcript above, it's because the audio quality was not clear enough to transcribe.

Set Up Voice Mail



#### Inquiry about DSP-23006 (Clinton Marketplace North

From Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org>

Date Thu 2024-10-10 4:18 PM

- To Nickmime Dambreville <lotuslovemontessorischool@gmail.com>
- Cc Garland, Hyojung <hyojung.garland@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>

Hello Nickmine,

Confirmed to receive your voice message and email. Thank you for the information that you have signed up to become a party of record for DSP-23006 (Clinton Marketplace North). Below are responses to your questions regarding this case:

DSP-23006 is tentatively scheduled for the 12/05 PB hearing. (This might change depending on the material submitted by the applicant). You may submit your questions to the Planning Board as part of any written testimony or address your question to the Planning Board members at the hearing. Both need to be completed before noon on Tuesday prior to the PB hearing on Thursday (if the date of 12/05 is confirmed, the noon deadline is 12/03.). Signing up to speak at the Planning Board hearing is required, which can be accessed at <u>Attend & Contribute to a Meeting - Prince George's County Planning Board</u> (pgplanningboard.org)

If you plan to send the Planning Board your questions in writing, please also cc me in the email. Thank you.

Sincerely,

Emery

#### Te-Sheng (Emery) Huang

*Planner IV* | *Urban Design Section* | *Development Review Division* 301-952-4534 | <u>Tesheng.Huang@ppd.mncppc.org</u>



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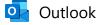
From: Nickmime Dambreville <lotuslovemontessorischool@gmail.com>Sent: Thursday, October 10, 2024 3:55 PMTo: tesheng.huang@ppdmncppc.org <tesheng.huang@ppdmncppc.org>

**Cc:** Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org> **Subject:** Re:

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Nickmime Dambreville

On Thu, Oct 10, 2024, 3:52 PM Nickmime Dambreville <<u>lotuslovemontessorischool@gmail.com</u>> wrote:



#### Inquiry about DSP-23006 (Clinton Marketplace North

From Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org>

Date Thu 2024-10-10 4:18 PM

- To Nickmime Dambreville <lotuslovemontessorischool@gmail.com>
- Cc Garland, Hyojung <hyojung.garland@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>

Hello Nickmine,

Confirmed to receive your voice message and email. Thank you for the information that you have signed up to become a party of record for DSP-23006 (Clinton Marketplace North). Below are responses to your questions regarding this case:

DSP-23006 is tentatively scheduled for the 12/05 PB hearing. (This might change depending on the material submitted by the applicant). You may submit your questions to the Planning Board as part of any written testimony or address your question to the Planning Board members at the hearing. Both need to be completed before noon on Tuesday prior to the PB hearing on Thursday (if the date of 12/05 is confirmed, the noon deadline is 12/03.). Signing up to speak at the Planning Board hearing is required, which can be accessed at <u>Attend & Contribute to a Meeting - Prince George's County Planning Board</u> (pgplanningboard.org)

If you plan to send the Planning Board your questions in writing, please also cc me in the email. Thank you.

Sincerely,

Emery

#### Te-Sheng (Emery) Huang

*Planner IV* | *Urban Design Section* | *Development Review Division* 301-952-4534 | <u>Tesheng.Huang@ppd.mncppc.org</u>



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From: Nickmime Dambreville <lotuslovemontessorischool@gmail.com>Sent: Thursday, October 10, 2024 3:55 PMTo: tesheng.huang@ppdmncppc.org <tesheng.huang@ppdmncppc.org>

**Cc:** Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org> **Subject:** Re:

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Nickmime Dambreville

On Thu, Oct 10, 2024, 3:52 PM Nickmime Dambreville <<u>lotuslovemontessorischool@gmail.com</u>> wrote:

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



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

# RECEIVED

October 7, 2019

0CT - 7 2019

CLERK OF THE COUNCIL PRINCE GEORGE'S COUNTY MARYLAND

Piscataway Clinton LLC 10100 Business Parkway Lanham, MD 20706

> Re: Notification of Planning Board Action on Urban Design Section - CSP-18004 **Clinton Market Place North**

Dear Applicant:

Enclosed please find a Corrected Resolution for the above referenced case. The purpose of this Corrected Resolution is to correct a minor administrative error in the subject decision. The mail out of this Corrected Resolution does not change the action of the Planning Board, nor does it affect notice and appellate rights.

Please direct any future communication or inquiries regarding this matter to the Development Review Division at (301) 952-3530.

Very truly yours,

Retha Pampey- Areen

Retha Pompey-Green Development Review Division

Enclosure: PGCPB No. 19-62(C)

cc: Persons of Record  $\overline{\mathsf{MN}}$ 

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



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

File No. CSP-18004

PGCPB No. 19-62(C)

### CORRECTED 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:

	EXISTING	APPROVED
Zone(s)	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Commercial, Office, Vacant	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 Surrat 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

- 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):

	Use		AM Peak Hour			PM Peak Hour		
	Quantity	tity Metric	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
<b>Total Proposed Trips</b>			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 TRAFFI	C CONDITION	S		
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	А	A
Brandywine Road at Horseshoe/CMPN site access	701	744	А	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 2

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 (AM & P	Level of Service (LOS, AM & PM)				
MD 223 at Old Branch/Brandywine	1,705	1,799	F	F		
MD 223 at site access	650	822	А	A		
Brandywine Road at Horseshoe/CMPN site access	920	1,086	A	В		

\*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 V (AM & Pl	Level of Service (LOS, AM & PM)		
MD 223 at Old Branch/Brandywine	1,749	1,832	F	F
MD 223 at site access	790	897	А	A
Brandywine Road at Horseshoe/CMPN site access	979	1,098	Α	В

\*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.
- 1. **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:
    - Add \*[<u>"TCP1-004-2018"</u>] <u>"TCP1-002-2019"</u> 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.

\*Denotes Correction <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

- (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 \*and corrected administratively on October 2, 2019.

Elizabeth M. Hewlett Chairman

Juscica

By Jessica Jones Planning Board Administrator

EMH:JJ:JH:gh

\*Denotes Correction <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

TO LEGAL SUFFICIENCY M-NEPPC Legal Department 10 Date

CASE NO: CSP-18004 CASE NAME: CLINTON MARKETPLACE NORTH PARTY OF RECORD: 20 PB DATE: 05-16-2019

1.30



JUDITH ALLEN-LEVENTHAL P.O.BOX 217 ACCOKEEK MD 20607 (CASE NUMBER: CSP-18004)

MRS.SARAH CAVITT INDIAN HEAD HIGHWAY AREA ACTION COUNCIL (IHHAAC) P.O.BOX 44013 FORT WASHINGTON MD 20749 (CASE NUMBER: CSP-18004)

TAMARA DAVIS BROWN 12012 BORK DRIVE CLINTON MD 20735 (CASE NUMBER: CSP-18004)

DANIEL H WILLIAMS 9624 SMALL DRIVE CLINTON MD 20735 (CASE NUMBER: CSP-18004)

MCNAMEE & HOSEA 6411 IVY LANE SUITE 200 GREENBELT MD 20770 (CASE NUMBER: CSP-18004)

PAULINE PURYEAR 8006 COLONIAL LANE CLINTON MD 20735 (CASE NUMBER: CSP-18004) PATRICK SCHAUER P.O.BOX 1072 BRANDYWINE MD 20613 (CASE NUMBER: CSP-18004)

ANDREA MORGAN THE GOTT COMPANY, INC. P.O.BOX 540 PRINCE FREDERICK MD 20678 (CASE NUMBER: CSP-18004)

MARY FORSHT-TUCKER 11804 MARY CATHERINE DRIVE CLINTON MD 20735 -1044 (CASE NUMBER: CSP-18004)

MRS.MURIEL GREAVES MCECA 11608 MORDENTE DRIVE CLINTON MD 20735 (CASE NUMBER: CSP-18004)

MATTHEW TEDESCO 6411 IVY LANE SUITE 200 GREENBELT MD 20770 (CASE NUMBER: CSP-18004)

MRS.MILDRED KRIEMELMEYER 16900 MATTAWOMAN LANE WALDORF MD 20601 -3801 (CASE NUMBER: CSP-18004) PISCATAWAY CLINTON LLC 10100 BUSINESS PARKWAY LANHAM MD 20706 (CASE NUMBER: CSP-18004)

MARY A MILLER 9215 BRANDYWINE ROAD CLINTON MD 20735 (CASE NUMBER: CSP-18004) MARGARET M CLIFTON 9211 BRANDYWINE ROAD CLINTON MD 20735 (CASE NUMBER: CSP-18004)

VERA ALTON 11599 THRIFT ROAD CLINTON MD 20735 (CASE NUMBER: CSP-18004)

### MS.BARBARA RICHMAN KAHN 13613 ESWORTHY ROAD DARNESTOWN MD 20874 (CASE NUMBER: CSP-18004)

MR.EDWARD M MORALES PEREZ SR. 6113 HARRINGTON STREET CAPITOL HEIGTS MD 20743 (CASE NUMBER: CSP-18004) RICHARD K CLIFTONJR. 9211 BRANDYWINE ROAD CLINTON MD 20735 (CASE NUMBER: CSP-18004)

CATHERINE HOLLAR 718 EAGLE STREET WOODSTOCK VA 22664 (CASE NUMBER: CSP-18004) M-NCPPC PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT DEVELOPMENT REVIEW DIVISION

### CORRECTED RESOLUTION ROUTING SLIP

PROJECT TITLE: Clinton Market Place North FILE NO: CSP - 18004 RESOLUTION NO. 19-62(C) STAFF WRITER: Hurlbutt

Please review or process as indicated and send to the next office in sequence.

	DATE		SIGN	
то:	IN	OUT	OFF	
(1) DRD ADMINISTRATIVE ASST.	10/2/19	10/2/19	RPG	
(2) REVIEWER				
APPEALABLE TO DISTRICT COUNCIL	10/2/19	10/2/19	JDH	
YES NO	No. 1			
(3) LEGAL (legal sufficiency stamp)	12/2	10/3/19	St	
(4) TECHNICAL HEARING WRITER	10/3	10/3	ZK	
(5) <b>PB ADMINISTRATOR</b> (for signature)	10/3	10/3	T	
(6) <b>DRD ADMINISTRATIVE ASST.</b> (received signed resolution)	10/4	10/4	.yyy	
(7) <b>TECHNICAL HEARING WRITER</b> Send buck slip, original resolution. (THW will return buck slip)	10/9	10/9	ZK	

#### **\*\*ALL CORRECTED RESOLUTIONS\*\***

Make 2 copies for Front Desk drawer.

1 copy with cover letter, buck slip and mailing list/postage to the Applications Section Supervisor.

### \*\*URBAN DESIGN Appealable to District Council ONLY\*\*

1 copy to District Council – have them stamp the DRD file copy and deliver stamped copy, buck slip, mailing list w/postage to Applications Section Supervisor.

Completed

YES



September 14, 2021

Piscataway Clinton, LLC 10100 Business Parkway Lanham, MD 20706

> Re: Notification of Planning Board Action on **Preliminary Plan of Subdivision 4-19006 Clinton Market Place North**

Dear Applicant:

This is to advise you that, on September 9, 2021, the above-referenced Preliminary Plan of Subdivision was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 23-401 of the Land Use Article of the Maryland Code, a petition for judicial review of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within 30 calendar days after the date of this final notice.

> Sincerely, James R. Hunt, Chief **Development Review Division**

By: Untoine Weatt

Reviewer

Attachment: PGCPB Resolution No. 2021-102

Persons of Record cc:

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 2021-102

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.pgplanning.org

File No. 4-19006

### RESOLUTION

WHEREAS, Piscataway Clinton, LLC is the owner of a 21.27-acre parcel of land known as Parcels 226, 85, and 5, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T) and Military Installation Overlay (M-I-O); and

WHEREAS, on March 9, 2021, Piscataway Clinton, LLC filed an application for approval of a Preliminary Plan of Subdivision for 136 lots and 48 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19006 for Clinton Market Place North 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 July 22, 2021, 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 July 22, 2021, 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 TCP1-002-2019-01, and APPROVED Preliminary Plan of Subdivision 4-19006, including a Variation from Sections 24-121(a)(3) and 24-128(b)(7), for 136 lots and 48 parcels with the following conditions:

- 1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Indicate consistent number of parcels being proposed in the general notes and in the Lot/Parcel tables. The general notes indicate 22 proposed parcels, while the table indicates 48; update the general notes to show 48 parcels.
  - b. List proposed private on-site and off-site recreational facilities in the general notes to satisfy the mandatory dedication of parkland requirement.
  - c. Show continental-style crosswalks crossing all vehicular access points from MD 223.

- d. Indicate that the proposed private recreation area (dog park) on Parcel W will be located on a homeowners association parcel, not a commercial parcel, by adjusting the dog park location or adjusting the boundary of Parcels X and W so that Parcel X will encompass the dog park area.
- 2. Total development within the subject property shall be limited to uses that would generate no more than 288 AM and 310 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
- Prior to the issuance of any building permit, and pursuant to CIP No. 4.66.0052, the applicant 3. shall enter into a developer participation agreement (DPA) or similar binding legal instrument with Prince George's County for its share of all road improvements, including frontage improvements, bypass road improvements, and the overall public road improvement project described in the CIP. The fee shall be calculated as \$1,750 per two-family attached unit, \$3,500 per single-family attached unit, \$5,000 per single-family detached unit, and \$4,00 per square foot for commercial space, payable no later than at the time of building permit. All fees shall be 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. In addition to the fee payments, the applicant shall, prior to any building permit for vertical construction, dedicate and contribute all land needed for right-of-way for frontage improvements and the "bypass road," as shown on the preliminary plan of subdivision. No building permits for vertical construction shall be issued until Prince George's County has obtained full financial assurances, is permitted for construction by the operating agencies, and has an agreed upon timetable for construction for all of the public road improvements described in the CIP.
- 4. Prior to the issuance of any building permits within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the Maryland State Highway Administration (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 SHA. 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.
- 5. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.
- 6. Prior to signature approval of the preliminary plan of subdivision, submit a copy of the approved stormwater management concept plan and letter for the residential half of the project.
- 7. Development of the site shall be in conformance with Stormwater Management Concept Plan (38561-2018-00) and any subsequent revisions.

- 8. Prior to approval of a final plat:
  - a. The final plat shall grant 10-foot-wide public utility easements along both sides of public rights-of-way, and one side of private rights-of-way
  - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
- 9. Prior to signature approval of the preliminary plan of subdivision, the Type 1 Tree Conservation Plan (TCP1-002-2019-01) shall be revised, as follows:
  - a. Add to the "00" line of the approval block, "C. Schneider," "8/16/2019," and "CSP-18004."
  - b Add to the "01" line of the approval block in the DRD column "4-19006."
  - c. Revise the woodland conservation worksheet to add the 0.43 acre of reforestation-landscape buffer that was added with TCP2-015-2014-01.
  - d. Add the following note under the woodland conservation worksheet: "As part of TCP2-015-2014-01, the applicant graded the commercial portion of the site and purchased 4.16 acres of off-site afforestation credits. The applicant of the residential portion of the site is required to meet the remaining woodland conservation requirement of 0.43 acres of reforestation-landscape buffer bond and 4.69 acres with off-site conservation."
  - e. Have the revised plan signed and dated by the qualified professional preparing the plan.
- 10. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-002-2019-01). The following notes shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-2019-01), 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."

11. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

- 12. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant, and the applicant's heirs, successors, and/or assignees shall provide adequate on-site and off-site recreational facilities.
- 13. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat.
- 14. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Appropriate triggers for construction shall be established with the DSP.
- 15. The applicant, and the applicant's heirs, successors, and/or assignees, shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, prior to issuance of building permits.
- 16. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land, as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Maryland-National Capital Park and Planning Commission.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.

- d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
- 17. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of off-site recreational facilities on Maryland-National Capital Park and Planning Commission land, for approval, prior to a submission of a final record plat. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat. The public RFA shall establish the timing for the construction of the off-site recreational facilities.
- 18. Prior to acceptance of a detailed site plan (DSP), in accordance with the 2009 *Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities and shall show the following facilities on the DSP:
  - a. Minimum 8-foot-wide sidewalk along the property frontage of MD 223, unless modified with written correspondence by the Maryland State Highway Administration.
  - b. A minimum of two inverted U-style bicycle racks, or a style similar that allows two points of secure contact, at all proposed recreation and commercial areas.
- 19. Prior to the approval of any detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall:
  - a. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mary Surratt House Museum Historic Site be reviewed for compatibility with this internationally significant property.
  - b. Provide a plan for any interpretive signage to be erected as well as any public outreach measures to be taken. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and

Planning Commission Historic Preservation staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.

20. Prior to the approval of a detailed site plan, the applicant shall perform additional archeological investigations in the northern portion of Lot 2 and on Parcel 226, as specified in the Plan for Additional Archeological Investigations, dated August 27, 2021. Further, if it is determined, as outlined in the Plan, that potentially significant archeological resources exist in the areas specified in said Plan, the triggers and requirements provided for in the Plan regarding subsequent investigations or a mitigation plan to ensure that any artifacts are curated in a proper manner shall be followed.

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 located in the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road. The property consists of 21.27 acres and is currently comprised of 1 lot (Lot 2) and 3 parcels. Parcels 226, 85, and 59 are recorded in Liber 38672 at folio 96, Liber 42333 at folio 336, and Liber 36392 at folio 599, respectively. Lot 2 is recorded in Plat Book NLP 106, page 20. The site is within the Mixed Use-Transportation Oriented (M-X-T) Zone, and the northeast corner of the site is located within the Military Installation Overlay (M-I-O) Zone for height. The site is subject to the 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan (Central Branch Avenue Sector Plan). This preliminary plan of subdivision (PPS) includes 136 lots and 48 parcels for 136 single-family attached dwellings, 96 two-family attached dwellings, and 19,178 square feet of commercial development, 3,178 square feet of which can be attributed to the existing BB&T Bank and the subject site. The proposed development is subject to a PPS, in accordance with Section 24-107 of the Prince George's County Subdivision Regulations.

Section 24-121(a)(3) of the Subdivision Regulations requires that lots proposed on land, adjacent to an existing or planned roadway of arterial or higher classification, shall be designed to front on either an interior street or a service road. The applicant requested approval of a variation from Section 24-121(a)(3), as three points of access into the subdivision are being proposed from MD 223, which is a master plan arterial roadway. The variation is discussed further in this resolution.

Section 24-128(b)(7)(A) of the Subdivision Regulations requires that single-family attached dwellings served by alleys have frontage on a public right-of-way. The applicant requested a variation from this requirement for 118 of the 136 lots on-site. These lots are provided vehicular access from alleys, but do not have frontage on a public right-of-way. The variation is discussed further in this resolution.

3. Setting—The property is located on Tax Map 116 in Grids C3 and C4 and is in Planning Area 81A. The site is primarily vacant, however there is an existing bank back in the northeast corner of the site accessing MD 223, which is to remain, and an existing office building in the northeast corner of the site accessing Brandywine Road, which is to be removed. There was also a shed/storage structure in the northwest portion of the site, which has been removed. The abutting properties to the east and south are also within the M-X-T Zone and consist of single-family detached dwellings to the east and open vacant space to the south. The properties beyond Brandywine Road to the east are located in both the Commercial Shopping Center (C-S-C) and One-Family Detached Residential (R-80) Zones and consist of Surratt's House Historic Site (Mary Surrat House), as well as single-family detached dwellings. The abutting properties to the west consist of commercial development in the C-S-C Zone, and Surrattsville High School, which is located in the R-80 Zone. The properties beyond MD 223, to the north of the subject site, consist of commercial development located within the C-S-C Zone.

	EXISTING	APPROVED
Zone	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Commercial, Office, Parks and Open Space	Single-Family, Two-Family, Commercial
Acreage	21.27	21.27
Lots	1	136
Parcels	3	48
Dwelling Units	N/A	232
Gross Floor Area	16,730	19,178
Variance	No	No
Variation	No	Yes 24-121(a)(3) 24-128(b)(7)(A)

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

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case, as well as the applicant's variation requests from Section 24-121(a)(3) and Section 24-128(b)(7)(A) were heard at the Subdivision and Development Review Committee meeting on April 2, 2021.

5. **Previous Approvals**—The site has a previously approved PPS 4-78245, which was approved by the Prince George's County Planning Board on January 11, 1979 for one lot, fronting MD 223 and Brandywine Road. This lot is existing Lot 2 of the subject PPS. The prior PPS 4-78245 is superseded by the subject application.

Conceptual Site Plan CSP-18004 was approved by the Planning Board (PGCPB Resolution No. 19-62(C)) on May 16, 2019 for 100–200 single-family attached dwellings, 40–100

two-family attached dwellings, and 35,000–70,000 square feet of commercial retail for the subject site. Those conditions pertinent to the review of this PPS are discussed in this resolution.

6. Community Planning—The 2014 Plan Prince George's 2035 Approved General Plan (Plan 2035) and conformance with the Central Branch Avenue Sector Plan are evaluated, as follows:

#### Plan 2035

The application is in the Established Communities Growth Policy area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

#### Sector Plan Land Use Recommendations

The Central Branch Avenue Sector Plan recommends residential mixed use for the subject property (page 97), and medium-high density residential (8 to 20 dwelling units per acre) on the subject property (page 95). It also recommends open space use for a portion of the site, more specifically the existing Parcel 85.

#### Zoning

This subject property is located within the M-I-O Zone in the Area Label E, Conical Surface (20:1)-Left Runway. Pursuant to Section 27-548.54(e)(2)(D) of the Prince George's County Zoning Ordinance, the applicant must conform to the maximum height requirements, which will be further reviewed at the time of detailed site plan (DSP). The subject property was rezoned by the Prince George's County District Council's approval of Council Resolution (CR-13-2018) via an amendment to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). Properties in the southwest quadrant of the intersection of MD 223 and Brandywine Road were rezoned from the C-S-C, Commercial Office, and R-80 Zones to the M-X-T Zone.

Pursuant to Section 24-121(a)(5), this application conforms to the Central Branch Avenue Sector Plan based on the land use proposed and the findings of conformance presented throughout this resolution.

7. Stormwater Management—Initially, an approved Stormwater Management (SWM) Concept Plan and letter (17615-2014) was submitted with the pre-application process in 2020. This concept was for the commercial portion of the site fronting on MD 223. A SWM fee of \$32,500.00 for on-site attenuation/quality control measures was required. In 2019, the portion of the site fronting MD 223 was cleared of woodlands and graded as part of a grading permit. During the acceptance of PPS 4-19006, this SWM concept expired on December 7, 2020. The applicant submitted an unapproved SWM Concept Plan (38561-2018-00), which shows the entire project area including the rear residential portion of the application area. The plan proposes to construct 2 grass swales, 14 micro-bioretention ponds, rooftop discharge systems, and 1 submerged gravel wetland structure as their best management practices devices. Currently, this Concept Plan (38561-2018-00) is in review with the Prince George's County

Department of Permitting, Inspections and Enforcement (DPIE). The unapproved concept plan is consistent with the PPS.

Submittal of an approved SWM concept plan and approval letter will be required, prior to signature approval of the PPS. In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the approved SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

8. Parks and Recreation—This PPS was reviewed for conformance with the requirements and recommendations of CSP-18004, the Central Branch Avenue Sector Plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as policies in these documents pertain to public parks and recreational facilities.

Cosca Regional Park is approximately 3.5 miles southwest of this site. The park contains playgrounds, athletic fields, indoor and outdoor tennis courts, a skatepark, picnic areas, walking trails, a lake, and a campground. The Clearwater Nature Center and the historic Thrift Schoolhouse are also part of the regional park. Other nearby park facilities include Tanglewood Park located 1.5 miles east, and Fox Run Park approximately 2.3 miles to the southeast. In addition, Stephen Decatur Community Center is located 1.8 miles north of the subject property.

The Subregion 5 Master Plan and SMA indicates that the greatest need for local parkland will be in Clinton, where the projected need by 2030 will be approximately 730 acres compared to the 389 existing acres. Prior to the creation of the Southern Area Aquatic and Recreation Center facility in Brandywine, the Stephen Decatur Community Center was the only community center in Subregion 5.

The Central Branch Avenue Sector Plan described the Surratt House, which is east of the subject site, as a unique but hidden tourism opportunity, as well as a national landmark. The plan recommends expanding and enhancing the Surratt House site to be a stronger regional tourism draw. Since completion of the plan, the Maryland-National Capital Park and Planning Commission (M-NCPPC) has acquired the parcel adjacent to the Surratt House, located at the corner of MD 223 (Woodyard Road) and Brandywine Road. The property contained a small office building that has since been demolished, which allows for better visibility of the Surratt House.

Prior to approval of CSP-18004, the applicant and M-NCPPC entered into an agreement that involved the exchange of 5.83 acres of property located south of the subject site on Brandywine Road, contiguous to existing parkland, and \$319,000 in site improvements at the Surratt House site for the M-NCPPC's Parcel 85, which is now included in this PPS.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, or the payment of a fee-in-lieu or on-site recreational facilities, pursuant to Section 24-135 of the Subdivision Regulations. Based on the proposed

> density of development, 15 percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 2.56 acres. However, the applicant has opted to provide a combination of private on-site recreational facilities, and off-site recreational facilities. Private on-site facilities are in the form of a 5,810-square-foot park located on proposed Parcel BB, a pocket park located on proposed Parcel R, a dog park located on proposed Parcels W and X, and eight sitting areas throughout the residential areas of the site. It is noted that Parcel W is shown to be a commercial parcel and Parcel X as a homeowners association parcel. Parcel X shall be adjusted so that the dog park is located entirely within is boundary. In correspondence dated May 12, 2021, the applicant lists these private recreational facilities and their projected costs. The off-site recreational facilities are in the form of a trail head, located on Prince George's County Department of Parks and Recreation property (Cosca Regional Park). This proposed facility is located approximately 0.75 mile south of the subject PPS, and consists of a duck pond, boardwalk, trail, and parking. Both private on-site and off-site facilities will be reviewed further at the time of DSP. Separate recreational facilities agreements (RFA) for each of the private on-site and public off-site recreational facilities will be required, prior to approval of a final plat.

The private on-site and off-site facilities will meet the requirements of Section 24-135(b).

**9. Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Central Branch Avenue Sector Plan, to provide the appropriate pedestrian and bicycle transportation facilities.

#### Existing Conditions, Sidewalks, and Bike Infrastructure

The subject site currently is partially developed with a bank and office building on a small portion of the site. However, the majority of the site remains undeveloped. The area under review for the subject application is not within a 2002 General Plan Corridor or a 2035 General Plan Center and is therefore not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines – Part 2."

The subject site is located within property zoned M-X-T and is subject to additional requirements at the time of DSP, as stated in Section 27-546(d)(7) of the Zoning Ordinance, below.

## 7. The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

#### **Previous Conditions of Approval**

CSP-18004 does not contain conditions of approval pertaining to bicycle and pedestrian facilities applying to this PPS.

#### **Review of Master Plan Compliance**

This development case is subject to the MPOT, which recommends the following facilities:

- Planned Side Path: MD 223
- Planned Bike Lane: Brandywine Road

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

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

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The submitted plans include a 5-foot-wide sidewalk along the frontage of MD 223. However, the pathway shall be widened to a minimum 8-foot-wide sidewalk to fulfill the intent of the MPOT-recommended side path and for consistency with the approved CSP. The plans also include an 8-foot-wide asphalt side path along the property frontage of Brandywine Road. The side path is found to be acceptable to accommodate multimodal use, it fulfills the intent of the MPOT-recommended bike lane, and is consistent with the approved CSP. In addition, sidewalk is proposed along both sides of the internal roadways. These improvements support the intent of the recommended master plan facilities and the Complete Streets Policies.

The Transportation Recommendation Section of the Central Branch Avenue Sector Plan makes the following recommendations (page 99 and 121):

Design interior streets with an interconnected grid or modified grid street pattern with sidewalks and street tree planting. Provide pedestrian amenities that include trash receptacles, benches, and bus shelters.

This plan recommends a high-quality walking and bicycling environment. The new environment will contain "friendly" infrastructure, trip-beginning, and end facilities such as bicycle parking, well-planned integration with other transport modes.

#### 10-foot pedestrian/bike paths on both sides along A-54 Piscataway/ Woodyards Roads (page. 124)

The submitted plans contain pedestrian and bicycle amenities, including sidewalk connections, crosswalks, and ADA curb ramps. Bicycle parking is an important component of a bicycle friendly environment. Inverted U-style racks shall be provided at commercial and recreation areas and included in subsequent DSPs. During the CSP review, an 8-foot-wide shared-use path along

the subject site frontage of MD 223 was recommended. That minimum 8-foot-wide shared-use path shall be provided along the subject site's frontage of MD 223.

Based on the preceding findings, the pedestrian and bicycle transportation facilities will serve the proposed subdivision, meet the findings required by Subtitle 24 of the Prince George's County Code, and conform to the Central Branch Avenue Sector Plan and the MPOT.

**10. Transportation**—Transportation-related findings for adequacy are required with this application, along with any determinations related to dedication, access, and general subdivision layout.

Access and circulation are proposed by means of the streets being dedicated, plus several private streets and driveways, which are discussed further.

The plan is being reviewed against prior plan CSP-18004.

Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) has been submitted. The TIS was referred to the Prince George's County Department of Public Works and Transportation (DPW&T) and DPIE, as well as the Maryland State Highway Administration (SHA).

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

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

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way, stop-controlled intersections, a three-part process is employed: (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.

For all-way stop-controlled intersections a two-part process is employed: (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.

#### **Analysis of Traffic Impacts**

The table below summarizes trip generation in each peak hour that are used for the analysis and for formulating the trip cap for the site. The proposed uses have the following trip generation

(with the use quantities shown in the table as described in the submitted TIS). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and *Trip Generation* (Institute of Transportation Engineers):

Trip Generation Summary, 4-19006, Clinton Market Place North									
	Use	Ilso	AM Peak Hour			PM Peak Hour			
Land Use	Quantity	Metric	In	Out	Tot	In	Out	Tot	
Residential	Residential								
Townhouses	232	units	130	32	162	65	120	185	
Commercial	Commercial								
Retail (includes existing 3,178 square foot bank)	13,178	square feet	7	5	12	24	· 26	50	
Less Pass-By (50 percent	AM and PM	) for retail	-3	-3	-6	-12	-13	-25	
Net Retail Trips			4	2	6	12	13	25	
Gas Station/Food and Beverage Store	6,000	square feet	249	250	499	208	208	416	
Less Pass-By (76 percent AM and PM)			-189	-190	-379	-158	-158	316	
Net Gas Station/Food a	Net Gas Station/Food and Beverage Trips			60	120	50	50	100	
Total Site Trips			194	94	288	127	183	310	

The traffic generated by this PPS 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/site access (proposed to be signalized)
- MD 223 at right-in right-out site access (proposed unsignalized)
- MD 223 at bank entrance (unsignalized)
- MD 223 at bank exit (unsignalized)

The October 2020 TIS, with counts taken in September 2020, was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFF	IC CONDITIO	ONS			
	Critical Lane Volume		Level of Service		
Intersection	(AM d	(AM & PM)		(LOS, AM & PM)	
MD 223 at Old Branch/Brandywine	992	1,406	A	D	
MD 223 at site access	future				
Brandywine Road at Horseshoe Road/site access	11.0*	12.6*			
MD 223 at right-in right-out site access	future				
MD 223 at bank entrance	future				
MD 223 at bank exit	future				
*In analyzing unsignalized intersections, average veh intersection is measured in seconds of vehicle delay. delay for any movement within the intersection. Acco 50.0 seconds indicates inadequate traffic operations.	The numbers slording to the G	hown indicate uidelines, dela	the greates y exceedin	t average g	

parameters are beyond normal range of the procedure and should be interpreted as a severe inadequacy.

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 should be computed into total traffic with improvements and not background or total 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 the connection.

Background traffic has been developed for the study area using 27 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 0.5 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:

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM	
MD 223 at Old Branch/Brandywine	1,274	1,809	С	F
MD 223 at site access	future			
Brandywine Road at Horseshoe Road/site access	15.0*	73.1*		
MD 223 at right-in right-out site access	future			
MD 223 at bank entrance	future			
MD 223 at bank exit	future			
*In analyzing unsignalized intersections, average veh intersection is measured in seconds of vehicle delay.	The numbers s	hown indicate	e the greates	

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.

#### **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," including the site trip generation as described above, operate as follows:

TOTAL TRAF	FIC CONDITIO	NS		
	Critical La	Critical Lane Volume		Service
Intersection	(AM a	& PM)	(LOS, Al	M & PM)
MD 223 at Old Branch/Brandywine	1,315	1,813	D	F
MD 223 at site access	782	782 845		A
Brandywine Road at Horseshoe Road/site access (	standards for pass	ing are shown	in parenthe	eses)
Delay Test (50 seconds or fewer)	17.3*	54.2*	Pass	Fail
Minor Street Volume Test (100 or fewer)		182	Pass	Fail
CLV Test (1,150 or fewer)		527	Pass	Pass
MD 223 at right-in right-out site access	14.1*	14.3*		
MD 223 at bank entrance	15.1*	16.3*		
MD 223 at bank exit	13.7*	24.6*		
*In analyzing unsignalized intersections, average intersection is measured in seconds of vehicle dela delay for any movement within the intersection. A	ay. The numbers s	hown indicate	the greates	t 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.

> An inadequacy in the PM peak hour 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 Prince George's County CIP, with the requirement for developer funding. With that improvement in place, the intersection would operate with a CLV of 784 and LOS A in the AM peak hour. In the PM peak hour, the intersection would operate with a CLV of 1,175 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 DPIE and/or DPW&T, and this is discussed further in reviewing the conditions of the CSP.

The site shall have a trip cap of 288 AM and 310 PM peak-hour vehicle trips.

#### Agency Comments on Traffic Impact Study

Several draft comments on the TIS were received from the County in early April. Since that time, comments were finalized; by letter dated April 23, 2021 (Giles to Heath), DPIE provided three comments on the TIS. These comments are addressed below:

- The first comment suggests that the TIS indicates signalization at the Brandywine Road/Horseshoe Road/site access intersection, but analyzes the intersection as unsignalized. All analysis regarding this intersection were done correctly, and the graphical depiction of a signal at this location is in error. The analyses indicate that this intersection passes the adequacy test in both peak hours. No further study is required at this intersection.
- The second comment by DPIE refers to a suggestion in the TIS that northbound left-turn movements could be restricted at the MD 223 at Old Branch/Brandywine intersection. This was not, however, a recommendation of the TIS. As stated by DPIE, any such restriction would need to be implemented by SHA.

• The third comment suggests that details of the CIP-related construction, including the construction of the proposed bypass road through the development, require further discussion. This comment goes on to state that plans for funding the CIP project by the various involved parties "has not been determined at this time."

By letter dated April 13, 2021 (Rigby to Lenhart) SHA provided nine comments on the TIS. The comments are addressed below:

- Comment 1 concerns the counts. All counts were taken in accordance with current Planning Department policy, as provided in the September 3, 2020 Development Review Bulletin. The wide-reaching impacts of the pandemic have affected counts across Prince George's County, and while some peak-hour traffic counts are approaching pre-pandemic levels, counts in other areas continue to be low. The September 3, 2020 Bulletin establishes a correction factor to be applied for a defined period of time uniformly across the County.
- Comments 2 and 3 refer to background developments. Each of the developments referenced were handled correctly in accordance with the Guidelines.
- Comment 4 indicates that the fitted curve from *Trip Generation* (Institute of Transportation Engineers) should have been used to analyze the retail space. While it is conceded that the use of the fitted curve would be consistent with the "Guidelines," it is also noted that the directive was written pursuant to a prior edition of *Trip Generation*. Using the "Guiding Principles" in the *Trip Generation Handbook* (Institute of Transportation Engineers), it is noted for the AM Peak Hour of Adjacent Street Traffic in the current version that the statistics for the fitted curve Standard Deviation is 93 percent and the R-Squared is 0.50, and under this circumstance the Handbook recommends using the weighted average trip rate. While the PM trips should have been computed using the fitted curve, according to computations, the PM trips are very close using either method, and the retail trip generation numbers shown in the TIS are acceptable.
- Comments 5, 6, and 9 concern analyses that are not analyzed in connection with an adequacy finding and must be adjusted by the applicant in support of permitting.
- Comment 7 suggests some concern with the bypass roadway diversion, but does not directly suggest how the concern might be addressed. There are similar concerns about the assumed diversions, but these assumptions do not prevent a finding of adequacy at the MD 223 at Old Branch/Brandywine intersection.
- Comment 8 questions how the TIS and the site plan align in terms of access. The current schematics are consistent with the TIS. In any regard, the PPS process does not approve a site plan, and a site plan will not be finalized until a DSP is approved.

#### **Master Plan and Site Access**

MD 223 is a master plan arterial roadway (A-54) with a proposed width of 120 feet. Brandywine Road is a master plan collector facility with a proposed width of 80 feet. Dedication along both roadways is acceptable as shown.

Several comments regarding circulation and internal street patterns were previously provided to the applicant. Most of these comments were made to improve fire access within the residential portion of the subdivision. The applicant provided revised plans to designate private streets for general circulation and, where alleys provide the sole frontage and access to residential lots, expanded the pavement width to 22 feet wide, in order to provide adequate fire access. Also, it was suggested that public roadway "C" be extended to the south property line; it is conceded that the County would not be favorable to this roadway being public, and so extending the two private streets to the south would provide the desired connectivity when the property to the south develops.

#### Variation Request from Section 24-121(a)(3)

MD 223, an arterial facility (A-54), is proposed to provide access to the commercial parcels in the northern end of the site, and the applicant proposes three private driveways directly from this roadway for access to individual parcels (a public street is also proposed to connect to MD 223). Two driveways will serve the existing bank and the third driveway will provide access to Parcels P and Q on the PPS.

Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. Therefore, a variation from Section 24-121(a)(3) was requested by the applicant for the three driveways. The applicant meets the requirements for the approval of a variation regarding the driveways serving the bank, and the driveway serving Parcels P and Q as a right-in only.

There are four criteria that must be met for this variation to be approved (a fifth criterion does not apply). The criteria, with discussion, are noted below:

## (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

There are two aspects specific to access along arterial and higher facilities: arterials have greater operating speeds, and the presence of medians can create issues with vehicles making U-turns. Two of the access points under review serve the existing bank, and given the proposed dedication along MD 223, it does not appear that the bank building as it exists can continue to operate without both access points being allowed. The two access points have existed to serve the bank for more than 40 years with no apparent safety concerns. Also, neither driveway is two-way; one enters the bank site from the western driveway and exits the bank site using the eastern driveway, and given the placement of the existing bank building, each driveway has independent utility for

access. As such, it is believed that there would be no detriment to leaving these two access points as they are.

The westernmost requested access is a new one; it is proposed to serve Parcels P and Q on the plan. The applicant has moved this access point slightly from the initial proposal. SHA has indicated that agency's support for a right-in only (no right-out) access. This would largely eliminate issues with vehicles leaving the site making U-turns. Therefore, regarding public safety, health, or welfare, or injury to other property and in accordance with the recommendation of SHA, the westernmost driveway to the site is supportable but limited to right-in only.

## (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

In justifying this finding, the applicant first cites the fact that the two driveways serving the bank have existed for more than 40 years, and it is agreed that this would create a uniqueness for the bank site, given this fact.

For the third driveway serving Parcels P and Q, the applicant cites the zoning of the property as creating a condition of uniqueness. In fact, the zoning was not merely thrust upon this applicant; it was requested in full knowledge of the limitations of access along arterial facilities. However, the justification goes further in in explaining that the comingling of uses creates the need for various points of access to serve pass-by and commuter traffic to access the commercial uses from MD 223 and that the mix of uses together with the bypass road, for internal circulation of the site, is not commonly shared by surrounding properties and is unique to the subject site. Where possible and where a proximal (not vertical) mix of uses is contemplated, some separation of the residential traffic and uses from commercial traffic, particularly service vehicles and trucks, is desirable. This feature gives a uniqueness to the site in support of this finding.

## (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The two accesses serving the bank exist and have been duly approved by SHA. Given the presence of other nearby driveways along MD 223, there is reason to question whether the third westernmost access to Parcels P and Q would be approvable. However, driveway access from MD 223 is regulated by SHA, and SHA has provided sufficient correspondence to indicate that this access point is approvable for right-in access only (no right-out). Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

This finding is often difficult to make because it involves the identification of hardship to the owner as opposed to mere inconvenience. When justifying access for existing businesses, a change in access can result in a hardship, and given the bank's location adjacent to MD 223 at the edge of the subject property, it is believed that the two access points serving the bank meet this finding. With regard to the third access point serving Parcels P and Q, the applicant makes the argument that not having the driveway "will add unnecessary strain to the bypass road, that could negatively impact the residential traffic utilizing the bypass road." In fact, if all traffic from intersection 4 of the TIS were added to intersection 1 of the TIS (MD 223 at site access), the service levels would remain at LOS A in both peak hours. The issue is not one of straining the capacity of the bypass road, but rather the hardship is one of maintaining some separation of the residential traffic and uses from commercial traffic, particularly service vehicles and trucks. Given the existing surrounding roadways, the access from MD 223 is the only viable opportunity to create the separation for commercial traffic to enter the commercial areas without utilizing the bypass road which serves the residential development.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This criteria does not apply.

By virtue of the findings for each of the criteria for variation approval cited above, the variation from Section 24-124(a)(3) for two points of access onto MD 223 to serve the existing bank, as well as the third access point serving Parcels P and Q as a right-in only, is approved

#### Variation Request from Section 24-128(b)(7)

The residential lots in the subject subdivision receive access by means of alleys, but do not all front on a public street, as required by Section 24-128(b)(7)(A). The majority of the lots front on private streets and open space parcels within the residential development area of the site. The design provided ensures that uninterrupted pedestrian access is provided at the frontage, while vehicular circulation is provided in the rear of the lots. The applicant requested a variation pursuant to Section 24-113 of the Subdivision Regulations, and submitted a statement of justification, dated October 12, 2020. There are five criteria that must be met for this variation to be approved. The criteria, with discussion, are noted below:

## (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The applicant has provided a fire truck turning exhibit and a fire hose pull exhibit, in response to correspondence from the Prince George's County Fire and EMS Department,

dated March 10, 2021 (Reilly to Heath). The required minimum pavement width of 22 feet has been shown on the PPS for alleys providing the sole road frontage to lots so that they can support fire trucks, and lots are located within the required proximity to a fire access road. The access proposed does not affect the access for other properties. Therefore, the variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties.

## (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The subject site is flanked on three sides by existing development and roadways, and is at the corner of an intersection, which limits the possible extension of public roadways through the site to provide frontage for each lot. Give the site's location at an intersection, the public roadway into and through the subject site has been carefully designed at an appropriate location, where it can connect to the abutting public roads, so as not to conflict with surrounding developed properties and traffic operations, which is unique to the subject property.

## (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The approval of a variation and, more specifically, the requirement for frontage on a public street where lots are served by an alley, is unique to the Subdivision Regulations and under the sole authority of the Planning Board. No applicable law, ordinance, or regulation that will be violated by this request for this variation.

#### (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The particular physical surroundings of the subject site are such that it is flanked on three sides by existing development and roadways, and is at the corner of an intersection, which limits the possible extension of public roadways through the site to provide public road frontage for each lot. The subject property fronts on two master-planned roads. The site will be bisected by a public road that accesses both of these roads, so some of the proposed lots will have frontage on a public right-of-way and the remaining lots will have frontage on private roads and/or alleys which extend from the proposed public roadway through the site, but cannot provide through access to other public roads. It is also noted that DPIE does not allow public streets with on-street parking or driveways to serve townhouses. If all townhouse lots had frontage on a public right-of-way, this would require more area for street infrastructure while severely limiting the amount of on-street parking that can be provided within the development. This would also create a less dense, and less walkable development, which is counter to what the M-X-T Zone calls for.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This criteria does not apply.

By virtue of positive findings for each of the criteria above, the variation from Section 24-128(b)(7) for alley access to lots not having frontage on a public street and the proposed access configuration in approved.

#### **Previous Approvals**

CSP-18004 was approved by the Planning Board on May 16, 2019 (PGCPB No. 19-62). The Planning Board approved the CSP with one traffic-related condition, which merits discussion at this time, as follows:

- 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.

It is recognized that this condition has been the topic of discussions between the applicant and the County, and planning staff has been involved in those discussions at every step. The applicant has negotiated a developer participation agreement (DPA) with Prince George's County. The DPA would enable the following:

- 1. Provision of the required dedication along the site's frontage of MD 223 and Brandywine Road, and any frontage improvements as reasonably identified by DPIE.
- 2. Construction of an additional public roadway which will serve as a bypass road between Brandywine Road and MD 223, as shown on the PPS. This roadway shall include any required turn lanes along Brandywine Road and MD 223 and warranted traffic controls at each end.
- 3. Since the CIP is anticipated to cost \$13,830,000, the pro-rata fee proffered by the applicant and accepted by the County shall be calculated as \$1,750 per two family attached unit, \$3,500 per single family attached unit, \$5,000 per single family detached unit, and \$4.00 per square foot for commercial space, payable no later than at time of building permit. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by DPIE.
- 4. Construction of additional CIP improvements within MD 223 at the Brandywine Road/Old Branch Avenue, including the following:
  - a. On the northbound approach, provision of three approach lanes with exclusive through, right-turn, and left-turn lanes.
  - b. On the westbound approach, provision of three approach lanes with exclusive through and left-turn lanes and a shared through/right- turn lane.
  - c. On the eastbound approach, provision of four approach lanes with two through lanes and exclusive right-turn and left-turn lanes.

The DPA shall indicate the applicant's share of all road improvements, including frontage improvements, bypass road improvements, and the overall public road improvement project described in the CIP. This approach has been presented by the applicant to the County, and was determined to be acceptable in a meeting involving Planning Department staff, County staff, and State staff on July 13, 2021. This agreement and the resulting condition meet the

requirements of the CSP condition. The intent of the condition's phrase, "in cooperation with," is fully met. More importantly, a framework for completing long-awaited improvements to the MD 223/Old Branch Avenue/Brandywine Road intersection has been established in principle.

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.

This condition is carried forward.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124. The variation from Section 24-128(b)(7), and the variation from Section 24-124(a)(3) for two points of access onto MD 223 to serve the existing bank and the variation for the third point of access to serve Parcels P and Q are approved.

11. Schools—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, and Prince George's County Council Resolution CR-23-2001. The subject property is located within School Cluster 6, which is located within I-95/I-495 (Capital Beltway). An analysis was conducted, and the results are as follows:

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Total Dwelling Units	232	232	232
Townhouse (SFA)	136	136	136
Townhouse (PYF)	0.114	0.073	0.091
SFD * PYF	15.504	9.928	12.376
Multifamily Dwelling (MF)	96	96	96
Multifamily (PYF)	.162	.089	.101
MF * PYF	15.552	8.544	9.696
Total Future Subdivision Enrollment	32	19	22
Adjusted Enrollment in 2019	4,856	2,912	3,490
Total Future Enrollment	4,888	2,931	3,512
State Rated Capacity	6,381	3,340	5,206
Percent Capacity	76%	87%	67%

### Impact on Affected Public School Clusters Single-Family Attached/Detached Dwelling Units

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,770 per dwelling if a building is located between I-95/I-495 and the District of Columbia; \$9,770 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,748 per dwelling for all other buildings. This project is outside of I-95/I-495; thus, the surcharge fee is \$16,748 per dwelling unit. This fee is to be paid to DPIE, at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated April 9, 2021 (Thompson to Heath), incorporated by reference herein. Police facilities warrant additional discussion, as follows:

#### **POLICE FACILITIES**

#### Nonresidential

The subject property is served by the Police District V, Clinton located at 6707 Groveton Drive in Clinton. Per Section 24-122.01(c)(1)(A), the Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the population. The national standard is 141 square feet per officer. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department and the July 1, 2017 (U.S. Census Bureau) county population estimate is 912,756. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,698 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline. Per Section 24-122.01(e)(1)(A), the Police Department is required to have 1,420 officers or 100 percent of the authorized strength of 1,420 on and after December 31, 2006. There are 1,489 sworn officers as of February 17, 2021, which is within the guideline.

#### Residential

This PPS was reviewed for adequacy of police services, in accordance with Section 24-122.01(c). The subject property is in Police District V, Clinton, located at 6707 Groveton Drive in Clinton. The response time standards are 10-minutes for emergency calls and 25-minutes for nonemergency calls. The test is applied on the date the application is accepted or within the following three monthly cycles, pursuant to Section 24-122.01(e)(2). The times are based on a rolling average for the preceding 12 months. The application was accepted by the Planning Department on March 9, 2021.

Reporting Cycle	Date	Priority	Non-Priority
Acceptance Date	March 9, 2021	12	8
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for priority calls was not met at acceptance. However, Prince George's County FY 2020–2025 Approved CIP includes a new station for Police District V, so mitigation is not required. The Department has reported that there is adequate equipment to meet the standards stated in Prince George's County Council Bill CB-56-2005. Pursuant to Council Resolution CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

13. Public Utility Easement—Section 24-122(a) requires that, 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 public utility easements (PUEs) is 10 feet wide, along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of MD 223 and Brandywine Road, and proposes an internal public road. The applicant is also proposing an internal network of private streets. Section 24-128(b)(12) requires that 10-foot-wide PUEs be provided along one side of all private streets. The required PUEs are delineated on the PPS along the proposed private and public streets, as well as the public rights-of-way MD 223 and Brandywine Road.

14. Historic—The subject property is located west of the Mary Surratt House Museum (81A-007), listed in the National Register of Historic Places and is a Prince George's County historic site. Built in 1852, the Mary Surratt House is a two-story, side-gabled frame dwelling with post office and tavern room; it was built as a residence, tavern, polling place, and post office, operated by John H. Surratt. His widow, Mary Surratt, was implicated in the Lincoln assassination by her acquaintance with John Wilkes Booth and was hanged for conspiracy. 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 Mary Surratt House Museum is a nationally and internationally known site and is visited by thousands of people each year.

The subject property was part of John and Mary Surratt's 157-acre farm. The northwest portion of the property is adjacent to a Freedman's Bureau school site (1869), the Clinton "Colored" School (81A-013), located at 9122 Piscataway Road (MD 223). The original school was constructed in 1869 and served the community for nearly 60 years. In 1924, a survey of "colored" schools in Prince George's County reported that Clinton School had an enrollment of 46 students through the seventh grade. The survey report commented on the favorable location of the school in the prosperous community of Clinton. The school plant was in fair condition, with only "some minor things" needed. In January 1925, the community began petitioning the Board of Education for a new school building and funds were appropriated the following year. The new school was constructed in 1926 with assistance from the Julius Rosenwald Fund. The school was of the "two teacher type" constructed on two acres. The new Clinton School, constructed on the site of the old one-room schoolhouse, opened in 1927. The school was in use until the early 1950s. In 1955, the school property was auctioned, and the successful bidder was American Legion Post 259. Post 259 subsequently modified the building and remains its owner. The northern part of the subject property is known as Miller's Field and has been used as a baseball, football, and soccer field, and as event space by local organizations.

The PPS proposes two-over-two condominium units directly across from the Surratt's House. Townhouses are proposed in the southeastern portion of the development and the commercial uses are proposed in the northwest quadrant. The existing bank building located at 9110 Piscataway Road (MD 223) and constructed circa 1980, is proposed to remain on the property.

Section 24-135.01(b) provides the following requirements for subdivisions containing or adjacent to historic sites. These requirements are as follows:

- 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.

A Phase I archeology survey was recommended on the subject property when the CSP was reviewed in April 2019. The subject property was once part of the 157-acre Surratt farm. An August 29, 1865 article in the Washington *Evening Star* describing the Surratt farm noted that on the other side of the road from the house was a cluster of farm buildings connected to the Surratt premises. Another newspaper article noted that wheat and tobacco were the main crops grown on the farm, which is confirmed by the 1860 agricultural census. According to the 1860 Slave Schedules, John H. Surratt held seven enslaved laborers, five males and two females, on his farm in Surrattsville.

A Phase I archeology survey was completed on the subject property in August 2020. The testing of the project area consisted of a shovel test pit survey conducted at 50-foot intervals to determine the presence of cultural deposits. A total of 201 shovel test pits were excavated within 10.83 acres of woodland within the proposed development property. The remaining half of the project area, 10.43 acres, consisted of recently graded land (9.94 acres) and previous construction covered by impervious surfaces (0.49 acre). These areas were omitted from the field survey because of a low probability to encounter intact cultural deposits.

A total of 136 artifacts were recovered from the archeological testing. All the artifacts recovered dated to the 20th century. No precontact Native American artifacts were encountered. The majority of the artifacts were recovered from an area that aerial photographs, prior to 1980, indicate was the location of a farmhouse, although a lower density scatter encompasses the entire project area. One concrete barn foundation was noted in the central portion of the property. The barn foundation and an associated artifact scatter were recorded as site 18PR1189 and was named the Blossie K. Miller Barn site, after the property's mid-20th century owner. The site was not considered to be a significant archeological resource and no additional testing was recommended by the applicant's consultant.

The Historic Preservation Commission (HPC) expressed concern about the grading and filling that was done on the northern portion of the subject property, prior to the commencement of the archeological investigations. That area was where the outbuildings, and possibly housing for the enslaved people, were located. The HPC had recommended Phase I archeological investigations with its review of the CSP, but those conditions were not adopted by the Planning Board. The applicant's representatives noted that a bypass road was planned through the development between the intersection at Brandywine Road and at MD 223 to ease traffic congestion. Fill dirt

for the construction of that bypass was available in late 2018, and the northern part of the property was graded and prepared for the fill dirt necessary to construct the road. The road has not yet been constructed.

Details of the architecture, landscaping, and lighting will be provided at the time of DSP. The applicant should ensure that the scale, mass, proportion, materials, and architecture for new construction appropriately relates to the character of the Mary Surratt House Museum Historic Site. Full cut-off lighting should be utilized to prevent light spilling over onto the historic site.

The applicant is proposing two-over-two condominium units across from and within the viewshed of the Surrat House Environmental Setting. These units will be taller than the proposed townhouse units to be located south of the entry road into the proposed development from Brandywine Road. The HPC recommends placing the townhouse units on the north side of the entry road, which would create less visual impact on the Surrat House Historic Site viewshed and have a more residential character than the proposed condominium buildings. In addition, any proposed buildings in the viewshed of the historic site should face the Mary Surratt House. The applicant should avoid siting lots and buildings so that the rears and sides of structures face the historic site.

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.

Although the HPC reviewed the associated CSP and made recommendations to the Planning Board, none of the HPC's recommendations were adopted in the final resolution for the case. The applicant graded the northern portion of the subject property, prior to the commencement of the Phase I archeology survey. This is the portion of the subject property that may have contained evidence of some of the outbuildings associated with the Surratt House. As a result, the HPC recommended no further archeological investigations on the subject property. However, at the Planning Board hearing, the Planning Board found that additional investigations were warranted, and the applicant agreed to do additional archeological investigations on Lot 2 and Parcel 226 of the site, which were not investigated before it was graded. This investigation will be conducted to determine if significant features or soil layers remain intact on portions of the subject property that were previously graded and/or not included in the Phase I survey. If it is determined that significant archeological resources exist in the project area, the applicant shall provide a plan to evaluate those resources with Phase II and/or Phase III evaluation and mitigation. The applicant shall provide interpretive signage within the development that discusses the history of the Clinton School located on the adjoining property to the northwest. The details of the interpretive sign and its location should be provided with the DSP. The HPC and the applicant discussed a condition that would clarify the number of interpretive signs that would be required. The HPC decided that Historic Preservation staff's condition, which is carried forward in this resolution, addressed its expectations for interpretive signage.

At the time of DSP, the HPC will review the landscape buffer, lighting, architecture, and materials and other details that may have an adverse effect on the Surratt House. The HPC

expects the applicant to propose architecture that is adjacent to the historic site that is sympathetic to the scale, mass, proportion, materials, and architecture of the Surratt House. The HPC was especially interested in interpretive signage that discusses the history of the Freedman's Bureau and later Rosenwald School that was located on the adjoining property to the northwest.

15. Environmental—The following applications and associated plans have been reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-78245	N/A	Staff	Approved		N/A
NRI-087-07	N/A	Staff	Approved	1/28/2008	N/A
MR-1506F	N/A	Planning Board	Transmitted	7/30/2015	N/A
TCP2-15-14		Staff	Approved	2/5/2015	N/A
NRI-087-07-01	N/A	Staff	Approved	2/5/2015	N/A
TCP2-15-14-01		Staff	Approved	10/31/2017	N/A
NRI-115-2018	N/A	Staff	Approved	11/9/2018	N/A
CSP-18004	TCP1-002-2019	Planning Board	Approved	May 16, 2019	19-62
4-19006	TCP1-002-2019-01	Planning Board	Approved	July 22, 2021	2021-102

#### **Proposed Activity**

This application is for approval of a PPS and a Type 1 Tree Conservation Plan (TCP1-002-2019-01) for construction of a mixed-use development consisting of 136 lots and 48 parcels for single-family attached development and 19,178 square feet of commercial/retail space. Site frontage along MD 223 is proposed to be commercial and the southern portion of the property is residential.

#### Grandfathering

This project is subject to the current environmental regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012, because the application is for a new PPS.

#### **Site Description**

This 21.27 acre site is zoned M-X-T and is located near the southwest corner of MD 223 and Brandywine Road in Clinton. The site is located across Brandywine Road from the Surratt's House Historic Site 81A-007. A review of the available information indicates that no regulated environmental features (streams, wetlands, associated buffers, and floodplain) are located on-site. The soil types found on-site according to the U.S. Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey are Beltsville silt loam, Beltsville-Urban land complex, Downer-Hammonton complex, Grosstown-Hoghole-Urban land complex, Sassafras-Urban land complex, Urban land-Beltsville complex, and Urban land-Grosstown complex. Marlboro or Christiana Clays do not occur on or in the vicinity of this site. According to the Sensitive Species

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Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stormwater drains to the south to an off-site stream system and to the east towards Brandywine Road. This site is in the Piscataway Creek watershed, which flows into the Potomac River. The site has frontage on MD 223 and Brandywine Road, of which MD 223 is identified as a Master Plan Arterial Roadway. Both MD 223 and Brandywine Road are designated as historic roadways. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan) shows that the wooded area along the southwestern portion of the property as an evaluation area.

#### **Previous Approvals**

The environmental conditions of approval found in CSP-18004 have been addressed, as follows:

- 1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - e. Prior to certification of the conceptual site plan, the TCP1 shall be revised as follows:
    - 1. Add "TCP1-002-2019" 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.

This condition was met at time of TCP1-002-2019 certification.

#### MASTER PLAN CONFORMANCE

#### **Central Branch Avenue Sector Plan**

The subject property has been evaluated for conformance to the Central Branch Avenue Sector Plan and is found to be consistent with the plan recommendations as set forth in this report.

The sector plan identifies the commercial portion of the overall site within the Clinton Commercial Core Focus Area. Map 35, page 97 of the sector plan places the commercial portion of the site within a proposed future land use area of "residential mixed use." The development proposes a mix of commercial and residential uses, which is in conformance with the sector plan.

#### **Conformance with Countywide Green Infrastructure Plan**

According to the approved Green Infrastructure Plan, approximately 30 percent of the subject property is within the designated evaluation area. Portions of the overall site have been graded under prior grading approvals and the design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035.

#### ENVIRONMENTAL REVIEW

#### **Natural Resources Inventory Plan/Existing Features**

There have been two natural resources inventory (NRI) plans approved for this location. NRI-087-07, which was for the majority of the site except for the parcel owned by M-NCPPC, and then a revision (NRI-087-07-01), 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, approved on November 9, 2018, and provided with this application. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

#### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size, it contains more than 10,000 square feet of existing woodland, and because the site is subject to previously approved TCPs. TCP1-002-2019-01 was submitted with this PPS.

Based on the TCP1 submitted with this application, the overall site of 21.27 acres contains 14.80 acres of woodland and has a woodland conservation threshold of 3.19 acres (15 percent). The woodland conservation worksheet proposes the removal of 14.80 acres on the net tract area for a woodland conservation requirement of 9.28 acres. The requirement is proposed to be met with 9.28 acres of off-site woodland conservation. The NRI identified one specimen tree on-site and a variance for the removal of this tree was approved with CSP-18004.

The 10.73-acre front portion of the property along MD 223 has been mass graded, in accordance with TCP2-015-2014-01. The woodland requirements for this TCP2 were met by purchasing 4.16 acres of afforestation credits at the Brown Preserve Woodland Conservation Bank

(TCP2-098-05). The TCP2 plan and the worksheet show 0.43 acre of 35-foot-wide landscape-reforestation credit. This landscape area was never planted and is still required for the TCP2 plan. This TCP1 shall show the one reforestation-landscaped area along the western property boundary adjacent to the school. The woodland conservation worksheets shall be revised to include this 0.43-acre reforestation-landscape buffer. The TCP2 revision to show the residential area of this development is required to meet their own woodland requirement of 4.69 acres and provide the bond for the reforestation-landscape buffer. This planting bond was not collected at the time of grading of the commercial lands.

Technical revisions are required to the TCP1, which are included in the conditions listed in this resolution.

#### **Specimen Trees**

Section 25-122(b)(1)(G) of the Prince George's County Code 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 Environmental Technical Manual."

The site contains one specimen tree, a 34-inch Blackgum (Specimen Tree 21) in poor condition. This Blackgum specimen tree was approved for removal with CSP-18004.

#### **Regulated Environmental Features/Primary Management Area**

According to information available on PGAtlas.com and the approved NRI's, there are no regulated environmental features located on-site or immediately adjacent to the site.

#### 16. Urban Design—Conformance with the Zoning Ordinance (Subtitle 27) is evaluated as follows:

The commercial and single-family attached residential fee-simple and condominium townhouses are permitted in the M-X-T Zone. Conformance with the Zoning Ordinance regulations is required for the proposed development at the time of DSP, including but not limited to the following:

- Section 27-543, Uses (M-X-T Zone)
- Section 27-544, Regulations (M-X-T Zone)
- Section 27-548, Additional Regulations in the M-X-T Zone
- Part 11 Off-street Parking and Loading, and
- Part 12 Signs

The M-I-O Zone encumbers a small portion of the commercial section at the intersection of MD 223 and Brandywine Road, which will be further evaluated at the time of DSP for proposed buildings and their conformance with height limitations.

#### Conformance with the 2010 Prince George's County Landscape Manual

In accordance with Section 27-548, landscaping, screening, and buffering within the M-X-T-Zone should be provided, pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.1, Residential Requirements; Section 4.2, Requirements for 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 are applicable. The future DSP should demonstrate that a sufficient buffer between the proposed townhouses and historic Brandywine Road is provided, and that sufficient screening of these units from the Surratt's house viewshed is provided. In addition, it is noted that treatment along the private streets should be designed to establish a human-scale, pedestrian-friendly streetscape and expected that the street sections shown on the PPS for private rights-of-way will be adjusted at the time of DSP to include a landscape stirp as required by Section 4.10 of the Landscape Manual. Conformance with the Landscape Manual will be further evaluated at the time of DSP review.

#### **Conformance with the Tree Canopy Coverage Ordinance**

In accordance with Section 25-128 of the Zoning Ordinance, properties in the M-X-T Zoneare required to provide 10 percent of the gross tract area in tree canopy coverage (TCC). The subject site is 21.27 acres and is required to provide 2.13 acres of the site in TCC. Conformance with this requirement will be evaluated at the time of DSP.

The applicant has stated that private on-site recreational facilities and amenities will be provided, including a playground, pocket park, dog park, and sitting areas. The proposed site layout provides multiple open space parcels in the development, specifically Parcel BB, which is labeled as the proposed "Private Recreation Area" serving the proposed residential section. This parcel is centrally located, which will allow easy access for all lots throughout the development. The open space parcels and the other recreational amenities proposed within the recreational parcels will be further evaluated at the time of DSP.

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

*	*	*	*	*	*	*	*	*	*	*	*	*

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on <u>Thursday</u>, July 22, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2021.

Elizabeth M. Hewlett Chairman

Jessica Jones By

Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY

2414

David S. Warner M-NCPPC Legal Department Date: September 7, 2021



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION 1616 McCormick Drive Largo, Maryland 20774

DATE:	December 12, 2024
то:	Lakisha Hull, Planning Director
VIA:	Jill Kosack, Chair, Alternative Compliance Committee
FROM:	Te-Sheng (Emery) Huang, Alternative Compliance Committee Member
PROJECT NAME:	Clinton Market Place North
PROJECT NUMBER:	Alternative Compliance AC-23005
COMPANION CASE:	Detailed Site Plan DSP-23006
ALTERNATIVE CO	MPLIANCE
Recommendation	<u>X</u> Approval Denial
Justification: SEE ATTACHED	
	Te-Sheng (Emery) Huang
	Te-Sheng Huang Reviewer's Signature
	Reviewer's Signature
J	

<b>PLANN</b>	PLANNING DIRECTOR'S REVIEW					
	Final Decision Approval Denial					
<u>x</u>	Recommendation Approval Denial					
	X To Planning Board					
To Zoning Hearing Examiner						
Planning Director's Signature						

APPEAL OF PLANNING DIRECTOR'S DECISION
Appeal Filed:
Planning Board Hearing Date:
Planning Board Decision: Approval Denial
Resolution Number:

Alternative Compliance: AC-23005 Name of Project: Clinton Market Place North Companion Case: Detailed Site Plan DSP-23006 Date: December 12, 2024

Alternative compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) of Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.10, Street Trees Along Private Streets. This alternative compliance request is a companion to Detailed Site Plan DSP-23006, for Clinton Market Place North, which seeks to develop 191 one-family attached (townhouse) dwelling units and a food or beverage store of approximately 5,915 square feet, with a gas station.

## Location

The subject site is in Planning Area 81A and Council District 9. Geographically, it is located in the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road. The property consists of approximately 20.53 acres within the Residential, Multifamily-48 and Military Installation Overlay (MIO) Zones. Under the prior Prince George's County Zoning Ordinance, the site was located within the Mixed Use-Transportation Oriented and Military Installation Overlay (MIO) Zones. The site is located within the geography previously designated as the Developing Tier, and is reflected on Attachment H(5) of the 2014 *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see Prince George's County Council Resolution CR 26-2014, Revision No. 31).

# Section 4.6, Buffering Development from Streets

The applicant has requested alternative compliance from the requirements of Section 4.6 of the Landscape Manual, along it's Brandywine Road frontage, which is designated as a historic road. A historic site, Mary Surratt House, is located across Brandywine Road from the subject property. As the subject property is in the prior Developing Tier, this requires the applicant to provide a minimum of a 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The applicant seeks relief from these requirements, as follows:

# <u>REQUIRED: Section 4.6(c)(2)(A)(ii), Buffering Development from Streets, Buffer B, along</u> <u>Brandywine Road</u>

Length of bufferyard	583 linear feet
Minimum landscape yard	20 feet
Plant units (80 per 100 linear feet)	467

# <u>PROVIDED: Section 4.6(c)(2)(A)(ii). Buffering Development from Streets. Buffer B. along</u> <u>Brandywine Road</u>

Length of bufferyard	583 linear feet
Minimum landscape yard	20 feet
Plant units*	291
Plant units outside the bufferyard**	240

**Notes:** \*The submitted landscape plans show 20 shade trees, 5 ornamental trees, and 66 shrubs located within the required 20-foot-wide bufferyard, for a total of 291 plants units.

\*\*Eight shade trees and two ornamental trees will be planted behind the required bufferyard, and approximately 140 shrubs and numerous ornamental grasses will be planted within the right-of-way of Brandywine Road. These additional plantings result in a total of 240 plant units.

# Justification of Recommendation

The applicant cited that they dedicated a portion of the property along the Brandywine Road frontage, for its expansion and improvements. This roadway dedication area encroaches approximately 22 feet at the northern end of the property to approximately 46 feet at the southern end of the property. As an alternative, the applicant provides nine shade trees and two ornamental trees behind the required 20-foot-wide bufferyard, and approximately 140 shrubs and numerous ornamental grasses within the right-of-way of Brandywine Road. These additional plantings, with the trees planted within the required bufferyard, will result in a total of 531 plant units, which exceeds the required 467 plant units. The submitted site plans show two sticks of townhouse units directly along Brandywine Road, facing the Mary Surratt House Historic Site. The applicant also redesigned the front elevation of the Jenkins house model to provide eight front elevation options that are compatible with the design and characteristics of the Mary Surratt House, as reviewed by the Historic Preservation Commission. In addition, the applicant plans to install a rail fence on the west side of Brandywine Road, to be consistent with the existing fences on the historic site. For these reasons, the Alternative Compliance Committee finds the applicant's proposal equally effective as normal compliance with Section 4.6, subject to one condition requiring the applicant to revise Schedule 4.6-2 with the correct schedule.

# Section 4.7, Buffering Incompatible Uses

The applicant has requested alternative compliance from the requirements of Section 4.7 of the Landscape Manual, along the western property line, where the proposed gas station borders as adjacent American Legion Post. This is referred to as Bufferyard H on the landscape plans. The adjacent American Legion Post is classified as Medium (M) impact and requires a Type B bufferyard, which consists of a 30-foot minimum building setback, a 20-foot minimum landscape yard, and 80 plant units per 100 linear feet of property line. The applicant seeks relief from these requirements, as follows:

Length of bufferyard	267 linear feet
Minimum building setback	30 feet
Minimum landscape yard	20 feet
Fence or wall	Yes, for 267 linear feet
Plant units (80 per 100 linear feet)*	107

# **<u>REQUIRED: Section 4.7, Buffering Incompatible Uses, Buffer H, adjacent to a club/lodge use</u>**

**Note:** \*The requirement is 40 plant units per 100 linear feet for the length of bufferyard with the 6-foot-high opaque fence.

# PROVIDED: Section 4.7, Buffering Incompatible Uses, Buffer H, adjacent to a club/lodge use

Length of bufferyard	267 linear feet
Minimum building setback	39 feet
Minimum landscape yard	7–31 feet
Fence or wall	Yes, for 267 linear feet
Plant units	197

# Justification of Recommendation

The landscape plan does not provide the minimum 20-foot landscape yard width for the entire bufferyard length, but the applicant has provided 90 additional plant units. In addition, the applicant will install a 6-foot-tall screen fence along the entire bufferyard, for enhancement of the screening. The proposed fence reduces the plant unit requirement by 50 percent, in accordance with Section 4.7(c)(4)(E) of the Landscape Manual, for the length it is provided. Therefore, the Alternative Compliance Committee believes the applicant's proposal is equally effective as normal compliance with Section 4.7 of the Landscape Manual.

# Section 4.10, Street Trees Along Private Streets

The applicant requests alternative compliance for Roads B, C, and E from Section 4.10(c) of the Landscape Manual, which requires one street tree per 35 linear feet of frontage. The applicant seeks relief from these requirements, as follows:

# **REQUIRED: Section 4.10(c)(2), Street Trees Along Private Streets (Road B)**

Length of Street Frontage	624 linear feet
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	18

# PROVIDED: Section 4.10(c)(2), Street Trees Along Private Streets (Road B)

Length of Street Frontage	642 linear feet
Width of Landscape Strip	5 feet
Shade Trees	14
Shade Trees*	6
Ornamental Trees*	10

**Note:** \*Additional shade and ornamental trees are proposed to be planted in proximity to the Road B frontages.

# REQUIRED: Section 4.10(c)(2). Street Trees Along Private Streets (Road C)

Length of Street Frontage	1,023 linear feet
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	29

# PROVIDED: Section 4.10(c)(2). Street Trees Along Private Streets (Road C)

Length of Street Frontage	1,023 linear feet
Width of Landscape Strip	5 feet
Shade Trees	19
Shade Trees*	8
Ornamental Trees*	6

**Note:** \*Additional shade and ornamental trees are proposed to be planted in proximity to the Road C frontages.

# REQUIRED: Section 4.10(c)(2), Street Trees Along Private Streets (Road E)

Length of Street Frontage	478 linear feet
Width of Landscape Strip	5 feet
Shade Trees (1 per 35 linear feet)	14

## PROVIDED: Section 4.10(c)(2), Street Trees Along Private Streets (Road E)

Length of Street Frontage	478 linear feet
Width of Landscape Strip	5 feet
Shade Trees	8

## Justification of Recommendation

The proposed landscape plan does not provide the required amount of street trees within the private rights-of-way for Roads, B, C, and E. The applicant cited spatial limitations due to the placement of necessary infrastructure, such as light poles, fire hydrants, sidewalks, on-street parking, and public utility easements.

As an alternative for Road B, the applicant indicates 10 ornamental trees and 6 shade trees are proposed to be located on both sides of the entries to Road B from Road A and Alley 13, respectively. When adding these trees to the proposed 14 street trees, the total number of trees will be 20 shade trees and 10 ornamental trees.

For Road C, the applicant indicates eight shade trees and six ornamental trees are proposed to be located in proximity to the Road C frontage. When adding these additional trees to the proposed 19 street trees, the total number of trees will be 27 shade trees and 6 ornamental trees.

For Road E, the applicant indicates both Alleys 5 and 7, which connect to Road E, are designed with street trees, which is atypical for alleys. This development is quite different in that many of the alleys include street trees and sidewalks, even though they are technically alleys. The private roads contain on-street parking, and therefore, fall short of meeting the street tree requirements within the rights-of-way, but the overall site development, when adding in the trees along the alleys, creates unified, pedestrian-friendly streetscapes.

Given the purposes and objectives of Section 4.10 of the Landscape Manual, and the additional trees provided in proximity to the frontages, the Alternative Compliance Committee believes the applicant's proposal is equally effective as normal compliance with Section 4.10(c) of the Landscape

Manual for Roads B, C, and E, subject to two conditions to correct the title and information of Item 12 in Schedule 4.10-1, and the labeling of the linear feet of Road E.

## Recommendation

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance AC-23005, from the 2010 *Prince George's County Landscape Manual* for Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.10, Street Trees Along Private Streets, subject to the following condition:

- 1. Prior to certification of Detailed Site Plan DSP-23006, the following revisions shall be made, or information provided:
  - a. Revise Schedule 4.6-2 with the correct schedule for Buffering Development from Special Roadways.
  - b. Note "Alternative Compliance (AC) approved" in all landscape schedules associated with alternative compliance requests.
  - c. Correct the title and information of Item 12 in Schedule 4.10-1, for Roads B, C, and E.
  - d. Correct the labeling of the linear feet of Road E.

# **Additional Back-up**

# For

# DSP-23006 Clinton Market Place North

## **Clinton Market Place North**

# DSP-23006 AC-23005

The Applicant's requested revisions to recommended findings and conditions, and request for any other associated findings to be modified accordingly, are as follows:

\* \* \* \* \* \* \* \* \*

# 2. Development Data Summary:

\* \* \* \* \* \* \* \*

#### **Parking Spaces**

In accordance with Section 27-574 of the prior Zoning Ordinance, the number of parking spaces required in the Mixed Use-Transportation Oriented (M-X-T) Zone is to be calculated by the applicant and submitted for the Planning Board's approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b) of the prior Zoning Ordinance. A parking analysis, dated November 26, 2024, was submitted to determine the parking requirement for this development, resulting in a base parking requirement of 392 spaces for both residential and nonresidential uses within the subject DSP. Pursuant to Section 27-574 of the prior Zoning Ordinance, there is no maximum requirement for residential use. The applicant provides 827 spaces to meet the peak-hour demand of 390 parking spaces, determined by Section 27-568 of the prior Zoning Ordinance, of which 698 spaces are in the garages and driveways of the townhouse units and 129 spaces are on the street. In addition, Section 27-574(b)(3) specifically notes that, "[t]he maximum parking allowable for nonresidential uses is 115% of the base requirement for M-X-T properties. Parking spaces within a parking structure shall not be counted in the calculation of the maximum number of parking spaces." Section 27-574(b) provides for the methodology to determine the base requirement for the M-X-T properties. First the applicant must "[d]etermine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568." These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to be known as the peak parking demand for each use. Section (b)(2) and (b)(3) go on to recommend an hourly distribution of each use within the M-X-T properties to determine the hourly fluctuation and the resulting peak parking demand for the overall site. This provides the "base requirement" for the M-X-T properties and uses. The base parking requirement for this site is 392 spaces. As a result, the proposed 50 spaces for the non-residential uses would not exceed the maximum number of parking spaces for the non-residential uses. However, given the site does not truly provide for a shared parking scenario, an alternative methodology would result in the The parking base requirement for nonresidential uses being determined by the number of parking spaces required for each non-residential use, which in the subject site is 43 parking spaces; 115 percent of the this base requirement would bring the allowable amount of parking spaces to 49 spaces for the non-residential use. The proposed 50 parking spaces is one space more than the maximum allowance, which is conditioned herein for would require the reduction of one parking space. <u>Ultimately, Section 27-574 of the prior Zoning Ordinance</u>

1

authorizes the Planning Board, based on the methodology calculated by the applicant, to approve the number of parking spaces required in M-X-T Zone.

\* \* \* \* \* \* \* \* \*

#### 6. Design Features:

\* \* \* \* \* \* \* \*

### Food or Beverage Store with a Gas Sation

The building footprint for the proposed food or beverage store is in rectangular shape. The architectural design of the building follows the contemporary trend. The building roof is flat except for an angled, cantilevered roof located in the front and rear of the building that will project approximately 5 feet above the parapet, to create variations of the roofline and define the building entrances. The building is finished with a mix of materials, including brick, composite wood siding, stucco, and concrete panel. Reflecting the cantilever roof at the building entrances featured on the food and beverage store, the canopy that covers fuel islands is also designed to be angled, wing-shaped, approximately 25 feet in height. With increasing concerns of climate change, staff recommend the applicant explore alternative energy resources by adding solar panels to the canopy of the gas station. In accordance with the green building recommendations of the Sector Plan (pages 60, 105 and 129), the proposed project is encouraged to incorporate innovative green building practices and promote the use of alternative energy, where feasible.

\* \* \* \* \* \* \* \* \*

### Loading and Trashing Facilities

The subject DSP includes one loading space and one dumpster for the proposed food or beverage store and gas station. Since the loading space directly faces the vehicle access point on MD 223 to this commercial development, a condition is included herein requiring the applicant to expand the planting island located at the northwest corner of the food or beverage store building, with additional plantings, to shield this loading space from the public view on MD 223. One loading space is included in this DSP for the proposed food or beverage store building and gas station. The loading space is located to the west of the convenience store. The loading space is also away from the on-site vehicular and pedestrian circulation. Accordingly, it is visually unobtrusive and has minimal conflicts with vehicles and pedestrians. In addition, the application is subject to the requirements of Section 4.4, Screening Requirements, of the Landscape Manual. The submitted landscape plan shows conformance to this requirement. The submitted plans also show the location of the proposed trash dumpster, with details of the dumpster enclosure. The dumpster is screened with a dumpster enclosure that is approximately 8 feet in height.

\* \* \* \* \* \* \* \*

### **COMPLIANCE WITH EVALUATION CRITERIA**

### 7. Prince George's County Zoning Ordinance:

\* \* \* \* \* \* \* \*

- d. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following
  - \* \* \* \* \* \* \* \*
  - (8) Service Areas.
    - (A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:
      - (i) Service areas should be located away from primary roads, when possible;
      - (ii) Service areas should be located conveniently to all buildings served;
      - (iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and
      - (iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

The service areas will only be located in Parcel V, with commercial development. The submitted plans show that the location of the proposed trash dumpster, which is screened with an enclosure, and one loading space are accessible, but unobtrusive. No screening is provided for this loading space. Therefore, a condition is included herein requiring the applicant to expand the planting island located at the northwest corner of the food or beverage store building, with additional plantings, to shield this loading space from public view on MD 223 (Piscataway Road). In addition, the application is subject to the requirements of Section 4.4. Screening Requirements, of the Landscape Manual. The submitted landscape plan shows conformance to this requirement.

\* \* \* \* \* \* \* \*

#### RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Prince George's County Planning Board adopt the findings of this report and APPROVE DetailedSite Plan DSP-23006, Alternative Compliance AC-23005, Type 2 Tree Conservation Plan TCP2-015-14-02, and a waiver from Section 25-128(b), for Clinton Market Place North, subject to the following conditions:

\* \* \* \* \* \* \* \*

 Prior to certification, the applicant shall revise the landscape plans, as follows:
 a. Expand the planting island located at the northwest corner of the food or beverage store building, with additional plantings, to shield this loading space from the public view on MD 223 (Piscataway Road).

\* \* \* \* \* \* \* \*

KEY:

<u>Underline</u> indicates language added to findings/conditions.

Strikethrough indicates language deleted from findings/conditions.

Asterisks \*\*\* indicate intervening existing findings/conditions that remain unchanged.

# **Parsons**, James

From:	D Alex2 <sosophia1010@gmail.com></sosophia1010@gmail.com>
Sent:	Tuesday, January 7, 2025 11:14 AM
То:	PPD-PGCPB
Subject:	Clinton Market Place North

# [EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning:

I am a resident of Clinton Hills and wish to express my opposition to the plans for 191 townhomes and beverage store in the Clinton Market Place North development. I agree with the proposed changes recommended by Ms. Tamara Davis Brown to reduce the number of townhomes and remove the plan for a beverage store in this location.

Thank you.

Debra S. Alexander 12906 Glynis Rd Clinton, MD 20735