

R E S O L U T I O N

WHEREAS, Next Clinton is the owner of a 4.27-acre parcel of land known as Parcel A (REP210@84), Tax Map 116 in Grid D-3, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned C-S-C/R-80; and

WHEREAS, on January 19, 2006, Next Clinton, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05087 for Clinton Gardens Shopping Center 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 June 1, 2006, for its review and action in accordance with Article 28, Section 7-116, 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 June 1, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/5/06), and further APPROVED Preliminary Plan of Subdivision 4-05087, Clinton Gardens Shopping Center for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Clearly delineate on Parcels B and C that they are "Not Included" in this plan.
  - b. Correct general note no. 16 to remove "parkway" and replace with "parkland."
  - c. Provide a general note that indicates that there are no rare, threatened or endangered species found to occur within the vicinity of the subject property.
  - d. Delete the M-NCPPC approval box.
  - e. Revise Parcel A to now be labeled as Parcel D. This must also be revised in the title box.
  - f. Revise General Note 14 to demonstrate that the proposed Parcel D is a resubdivision of newly platted Parcel A.

2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 40559-2005-00, and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, the Type I TCP shall be revised to:
  - a. Include only the acreage of the Preliminary Plan
  - b. Provide all required woodland in the form of off-site conservation
  - c. Revise the worksheet as needed
  - d. Have the revised plan signed and dated by the qualified professional who prepared the plan
  - e. Reflect appropriate replacement requirement for the R-80-zoned portion of the property.
  - f. Provide the R-80 and C-S-C zoning line designations and acreages as shown on the preliminary plan
5. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/5/06), or as modified by the Type II 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
6. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along the subject site’s entire road frontage of Woody Terrace, unless modified by DPW&T.
7. Any development on the subject property generating greater impact than 47 AM or 173 PM peak hour trips shall be subject to a new adequacy test of transportation facility pursuant to a new preliminary plan of subdivision.
8. Prior to the issuance of any building permits within the subject property, 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

*At the intersection of MD 223 and Woody Terrace:*

- Provide a traffic signal
- Provide an exclusive right turn lane on the eastbound approach

*Along Woody Terrace*

- Provide Left turning bays at site entrances pursuant to DPW&T requirements

*Along Pineview Lane*

- Upgrade Pineview Lane to support two-way traffic subject to DPW&T requirements

9. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
10. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include, but not be limited to:
  - a. Landscaping, buffering and screening between the future commercial development and the abutting residential development.
  - b. The proposed stormwater management facility including possible fencing, if deemed appropriate, and landscaping to ensure pleasing views from the abutting residential land and Woody Terrace.
  - c. To ensure development is pedestrian-oriented and that parking does not dominate the landscape.
  - d. Architecture of all proposed buildings and signage.
  - e. Buffering and screening of dumpsters, trash compactors and loading spaces from the adjacent nursing home and any residentially zoned land.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located on the south side of Woodyard Road (MD 223), approximately 500 feet west of its intersection with Branch Avenue (MD 5).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	CSC (4.12 Acres) R-80 (0.15 Acres)	CSC (4.12 Acres) R-80 (0.15 Acres)
Use(s)	Vacant	Shopping Center
Acreage	4.27	4.27
Lots	0	0
Outlots	0	0
Parcels	1	1
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for the Clinton Gardens Shopping Center, 4-05087, and the revised Type I Tree Conservation Plan, TCPI/5/06, stamped as received by the Environmental Planning Section on April 11, 2006. The Environmental Planning Section recommends approval of 4-05087 and TCPI/5/06 subject to the recommended conditions.

**BACKGROUND**

The Environmental Planning Section has no records of any previous applications for the subject property. The current proposal is for one parcel in the C-S-C and R-80 Zones.

**SITE DESCRIPTION**

There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the Countywide Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area or network gap. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Rumford and Sassafra series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. Woodyard Road is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan.

## **Environmental Review**

A signed Natural Resources Inventory (NRI), NRI-048-05, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The forest stand delineation indicates that the 2.71 acres of woodlands on-site are low quality.

According to the Countywide Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area or network gap. No further action regarding sensitive environmental features is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is more than 40,000 square feet and there are more than 10,000 square feet of woodland. A tree conservation plan is required.

The Type I Tree Conservation Plan, TCPI/5/06, has been reviewed and was found to require revisions. The plan includes the 6.20 acres of the original application instead of the 4.27 acres of the revised application. The plan proposes clearing 2.60 acres of the existing 2.71 acres of woodland. The woodland conservation threshold is 0.64 acre. The woodland conservation requirement is 1.69 acres. The plan proposes to meet the requirement by providing 0.14 acre of on-site preservation and 2.46 acres of off-site conservation.

Any woodland remaining on-site cannot be used to meet any requirement because it is too narrow or too small. Because the woodland is of low quality and there are no sensitive environmental features on-site, the use of off-site woodland conservation is acceptable. Prior to signature of the preliminary plan, the Type I TCP shall be revised to be consistent with the above findings. As revisions are made to the plans submitted the revision boxes on each plan sheet should describe what revisions were made, when, and by whom. A note should be placed on the final plat of subdivision that identifies the applicability of the Type I Tree Conservation Plan (TCPI/5/06).

According to the "Prince George's County Soils Survey" the principal soils on this site are in the Rumford and Sassafras series. Rumford and Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

The Prince George's County Department of Environmental Resources has approved a Stormwater Management Concept Plan, CSD 24448-2004. The proposed detention pond is shown on the TCPI in the southeastern corner of the site. No further action regarding stormwater management is required from an environmental planning perspective.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the site will, therefore, be served by public systems.

5. **Community Planning**—The property is within the limits of the approved 1993 Subregion V master plan, Planning Area 81A within the Clinton community. The master plan land use recommendation is for commercial, office and suburban residential land uses. The proposal for a shopping center development conforms to the master plan recommendation for commercial development at this location.

This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

A detailed site plan should be required to evaluate the relationship between the future commercial development of this site and the abutting residential development.

The Community Planning Division has reviewed the revised subdivision plan for the Clinton Gardens Shopping Center and has no additional comments. The issues and observations cited in the referral memorandum dated March 3, 2006, are still applicable. They are as follows:

“The proposed development is in the southwest quadrant of a planned Major Community Activity Center (MCAC) that surrounds the intersection of MD 5 and Woodyard Road (MD 223). Major retailers such as Wal-Mart and Lowe’s Home Improvement have located in the northwest quadrant of the planned MCAC since the master plan was approved. Master plan recommendations for the northwest quadrant state that it represents ‘a good opportunity to consider mixed-use development incorporating commercial office and/or higher density residential land uses, as well as to more closely integrate a development proposal with lower density residential properties to the north and east.’ (plan, page 72) This has not happened. New development applications in the planned MCAC, represented by the current subdivision proposal, are recommended to develop as envisioned in the master plan. This location provides an opportunity for smaller-scale commercial retail or office space and for consideration of mixed-use development. Implementing this recommendation appears feasible given the existing various zoning categories on this site and the abutting properties. It should be noted that much of the abutting residential property is under the same ownership and has a pending detailed site plan (DSP-05068).

“This subdivision plan is oddly configured. Many properties abutting the site are residentially zoned, and are both developed and undeveloped. Therefore, the main community planning issue is one of *either* integrating or buffering the future commercial development on this site with or from the abutting residential uses. If the plan recommendation for a mixed-use development at

this location is to be implemented, then there should be an emphasis on pedestrian connections between the commercial and residential uses, since without mixed-use zoning in place to allow the vertical mixing of uses, it will be a horizontal mixed-use development. The approved design should ensure that the scale of development is pedestrian-oriented, and parking should not dominate the landscape. If development at this location is to develop conventionally, however, then the separation of new commercial uses from the abutting residential uses will determine the design of development. Landscape buffers and screens will define the relationship between these disparate uses. In either case, a detailed site plan is recommended in order for this issue to be fully evaluated at the time of development

6. **Parks and Recreation**— According to Section 24-134(a) of the Prince George’s County Subdivision Regulations, the above-referenced subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
7. **Trails**—There are no master plan trails issues identified in the approved Subregion V master plan that impact the subject site.

Sidewalks are fragmented and incomplete in the vicinity of the subject site. Sidewalks are missing from the entire east side of Woody Terrace and most of both sides of Pineview Lane. Where frontage improvements have been made, sidewalks have been constructed. Staff recommends the provision of standard sidewalks along the subject site’s frontage of Woody Terrace, unless modified by the permitting road agency.

8. **Transportation**—The Transportation Planning Section has reviewed the Preliminary Plan of Subdivision for the Clinton Gardens Shopping Center. The property is located in the southwest quadrant of the intersection of Woodyard Road (MD 223) and Woody Terrace. The subject application proposes the construction of a shopping center consisting of the following:

- Drive thru Bank            4,100 square feet
- Grocery Store            16,414 square feet
- General retail            25,663 square feet

Total Development            46,177 square feet

As part of the development application, the applicant presented staff with a traffic study that was prepared in February 2006.

**Traffic Study Analyses:**

The study identified the following intersections as the ones on which the proposed development would have the most impact:



EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/Branch Avenue (MD 5)	A/964	C/1288
MD 223/Woody Terrace **	E/43.7	<b>F/521.4</b>
MD 223/Pineview Lane	A/844	C/1174
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

As required by the *Guidelines*, the study identified six (6) background developments whose traffic could impact the above-referenced intersections. Additionally, the traffic study assumed a growth rate of 2% per year (for 3 years) along MD 223 to simulate the effect of future development in the study area.

The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/Branch Avenue (MD 5)	A/998	C/1354
MD 223/Woody Terrace (assuming signalization)	A/993	D/1315
MD 223/Pineview Lane	A/947	D/1261

While the subject application proposes a total of 46,618 square feet of commercial/retail development, a portion of the property was already vested from a previous approval, and consequently, the findings of adequacy will be based on 35,948 square feet of commercial/retail development. Using the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual*, the proposed development of 35,948 square feet of commercial/retail development will be adding 117 AM peak hour trips and 431 PM peak hour trips at the time of full build-out. Consistent with the provisions of the M-NCPPC’s *Guidelines*, the traffic study assumed that 60% of the total site generated traffic would already be on the road (to and from other destinations) and consequently,



only 40% of the projected trip generation would be considered “new” trips. For the purpose of the analyses, the study assumed a trip generation of new trips as (117 x 0.40 =) 47 AM and (431 x 0.4 =) 173 PM during the peak hours. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/Branch Avenue (MD 5)	B/1001	D/1377
MD 223/Woody Terrace (assuming signalization)	B/1033	<b>E/1461</b>
MD 223/Pineview Lane	A/972	D/1359

Based on the results indicated above, the traffic study noted that the intersection of Woody Terrace with MD 223 is projected to operate with a LOS/CLV of E/1461. Since this level-of-service falls below the acceptable threshold, the traffic study recommends that a right turn lane be provided on the eastbound approach of this intersection. This improvement would provide a LOS/CLV of **D/1348** during the PM peak hour. In closing, the study concluded that the proposed development could be adequately accommodated on the adjacent road network with the following improvements:

At the intersection of MD 223 and Woody Terrace:

- Provide a traffic signal
- Provide an exclusive right turn lane on the eastbound approach.

Traffic Study Review

The Transportation Planning Section concurred with the applicant’s traffic study and its findings. However, the traffic study was reviewed by two additional agencies, the State Highway Administration (SHA) and the Department of Public Works & Transportation (DPW&T). In an April 11, 2006 letter to staff (Foster to Foster), SHA has indicated its concurrence with the findings, and recommends that the applicant be conditioned on the two (2) improvements cited above.

The DPW&T is the controlling authority for both Woody Terrace and Pine View Lane. In a March 22, 2006 letter to staff (*Issayans to Burton*), the DPW&T recommends that the application should be limited to two access points rather than the three being proposed along Woody Terrace. The agency suggested that these two access points should be coincident with the access points

already serving the McDonalds restaurant, directly opposite the site. Additionally, DPW&T recommends that Woody Terrace be reconfigured to provide exclusive left turn bays at both proposed entrances. Regarding Pine View Lane, DPW&T requests an upgrade such that two-way traffic can be adequately accommodated.

The traffic study concluded that adequacy of transportation facilities will exist based on analysis of 46,177 square feet of retail/commercial development. Those analyses were further predicated on a total of 59 (new) AM and 268 (new) PM peak hour trips being generated on the subject property. However, due to the fact that only 35,948 square feet are subject to an adequacy test, any expansion of the proposed development on the subject property resulting in trip generation greater than 47 AM or 173 PM peak hour trips will be subject to further testing for adequacy.

#### **TRANSPORTATION STAFF CONCLUSIONS**

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has concluded that the review of this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 is not necessary because the development is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Zoning Ordinance.

The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 0.74 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 0.74 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 8.23 minutes, which is beyond the 4.25-minute travel time guideline.

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

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Clinton Gardens Shopping Center and offered several comments pertinent to Parcels B and C, which are no longer part of the subject application. No issues were raised for that area of land that remained.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 40559-2005-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

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 adoption of this Resolution.

\* \* \* \* \*

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, June 1, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of September 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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