

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed 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 March 15, 2007, regarding Detailed Site Plan DSP-06056 for Clinton Gardens, the Planning Board finds:

1. **Request:** The subject application is for approval of a 34,123 square foot commercial shopping center in the C-S-C and R-80 Zones.
2. **Development Data Summary:**

	Existing	Proposed
Zone	CSC/R-80	CSC/R-80
Uses	Vacant	Commercial Shopping Center
Acreage (in the subject SDP)	4.2747	4.2747
Square Footage	0	34,123

3. **Location:** The subject project is located in the southwestern quadrant of Woodyard Road and Woody Terrace, approximately 500 feet west of its intersection with Branch Avenue (MD 5).
4. **Surroundings and Use:** The subject site is surrounded to the north by vacant land that is proposed to be developed commercially; to the south by residential land use (a nursing home); to the east by commercial land use; and to the west by residential use (single-family detached units).
5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-05087 and Special Exception SE-979.
6. **Design Features:** The project, involving a single building designed to house both a Walgreens and an Office Depot store, is proposed to be accessed at two locations from existing Woody Terrace. The stores are proposed to sit in the central southern portion of the site, with parking on all sides, though predominantly on the northern end of the site. Landscaping is provided around the entire periphery of the site, the interior of the parking lot and the single stormwater management pond at the extreme southeastern corner of the site, along its Woody Terrace frontage. Loading is located at the southern end of the building. The small southwestern portion of the site that is zoned R-80 (one family detached residential) is planned to be utilized only to accommodate utilities.

Architecture for the project includes a combination of EIFS (Dryvit) specified in “sandlewood beige” and “cotton” colors and brick, specified in a red and dark pink color, with an aluminum

storefront window system of a dark bronze color. Fenestration for the proposed front façade is varied and balanced with a door and attendant windows accentuating the entrance to each store.

The Office Depot store is monolithic with the central portion of its façade carrying the wall signage “Office Depot,” with increased height and a pronounced cornice. The Walgreens store offers more visual interest, with increased variation in its roofline, a clearstory atrium in the store’s entrance and windows covered by green awnings. Walgreens also utilizes wall signage, with the main sign supplemented with indications that a pharmacy and photo processing services are located within the store.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The property is primarily CSC (Commercial Shopping Center) with the southwestern corner zoned R-80 (one family detached residential). Staff has reviewed the project against the relevant provisions of the Prince George’s Zoning Ordinance and found it to be substantially in conformance.
8. **Landscape Manual:** The proposed project is subject to the requirements of Section 4.7 and 4.3 (a) and (c). Staff has reviewed the submitted plans in accordance with the applicable sections of the *Landscape Manual* and found the application to be in basic compliance with those sections.
9. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property has an approved Type I Tree Conservation Plan, TCP1/005/06. A Type II Tree Conservation Plan is required, has been submitted, reviewed and found acceptable, and the Environmental Planning Section is recommending its approval. Therefore, it can be said that the proposed project is in compliance with the requirements of the Woodland Conservation Ordinance.
10. **Preliminary Plan of Subdivision 4-05087**—Preliminary Plan of Subdivision 4-05087, was approved by the Planning Board on June 1, 2006. The resolution of approval, PGCPB Resolution No. 06-130, was adopted by the Planning Board on September 28, 2006. The property is subject to the 10 conditions contained within that resolution of approval. The Subdivision Section listed Conditions 3, 6, 7, 9 and 10 as relevant to the subject approval. Conditions below ensure compliance with Conditions 3, 6 and 9 of the preliminary plan of subdivision approval, while Condition 7 is dealt with in Finding 11 (d) below and Condition 10 would be fulfilled by the approval of the subject detailed site plan. Condition 10 of the approval of the preliminary plan of subdivision requires the following. Staff has included the requirements of the condition in bold faced type followed by staff comment:

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.

Comment: Staff has worked with the applicant to increase buffering along the property line shared with the adjacent single-family residential units to the west and with the nursing home to the south. The combination of evergreen and deciduous trees currently indicated on the landscape plan for the project should effectively screen the abutting residential development from the proposed commercial use.

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.

Comment: Likewise, staff has worked with the applicant to increase and include evergreen planting around the proposed stormwater management facility. Though fencing was considered, the Department of Public Works and Transportation, the entity responsible for approving stormwater management plans currently approves only unfenced ponds.

c. To ensure development is pedestrian-oriented and that parking does not dominate the landscape.

Comment: Parking at the periphery of existing Woody Terrace, the project's only bona fide street frontage, is limited to a single line of cars except at the extreme northern end of the project's road frontage. Additionally, substantial buffering has been included along the road frontage to help soften views from the adjacent roadway into the site.

d. Architecture of all proposed buildings and signage.

Comment: Staff has worked with the applicant to improve the appearance of the building by running the cornice utilized on the front façade of the building around to its rear. Additionally, brick has been utilized on the lower portion of three of the facades to help anchor and better match the surrounding residential architecture. Signage has been limited to modest wall signage on the building's front facade.

e. Buffering and screening of dumpsters, trash compactors and loading spaces from the adjacent nursing home and any residentially zoned land.

Comment: The dumpster and loading areas, located to the rear of the proposed building, have been screened from the adjacent nursing home and residences by the inclusion of substantial buffering at the project's periphery, providing a year-round screen by the inclusion of both deciduous and evergreen trees. Please see Findings 11 (d) and (h) for a detailed discussion of compliance with the above transportation and environmentally related conditions requirements.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—In comments dated January 12, 2007, the Historic Preservation Section stated that the proposed project would have no effect on historic resources.
 - b. **Archeological Review**—In comments dated January 23, 2007, the staff archeologist stated that a Phase I archeological survey would not be recommended on the subject site. In support of this determination, she noted that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. Most of the property has already been developed and it is unlikely that intact archeological deposits will be found on the property. However, they also noted that the applicant should be aware that two Historic Resources, PG:81A-6 (Joseph Stephenson House) and PG:81A-8 (Gardiner House) and one National Register of Historic Places property, PG:81A-7 (Mary Surratt House), are located within a one-mile radius of the subject property. In closing, the staff archeologist mentioned that the Section 106 review may require archeological survey for state or federal agencies because 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 state or federal monies or federal permits are required for a project.
 - c. **Community Planning**—In a memorandum dated February 9, 2007, the Community Planning Division stated that the application was not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and that the application conforms to the recommendations of the 1993 *Approved Subregion V Master Plan* for commercial development at this location.
 - d. **Transportation** —In a memorandum dated January 22, 2007, the Transportation Planning Section offered the following review comments:
There is an approved subdivision for the site. There are several transportation-related conditions on the underlying subdivision, and the statuses of these conditions are summarized below:

4-05087:

Condition 6: Requires the provision of a standard sidewalk along site's frontage of Woody Terrace. It appears that the needed sidewalk is shown on the plan. Nonetheless, the adequacy of what is shown on the plan should be confirmed with the Trails Coordinator.

Condition 7: OK. The site plan is consistent with the preliminary plan in terms of the quantity of development proposed, and so this trip cap condition is not violated. See the discussion below.

Condition 8: OK. The required transportation improvements at MD 223/Woody Terrace and along Woody Terrace and Pineview Lane adjacent to the site are enforceable at the time of building permit, and this condition will be enforced at that time.

Vehicular and pedestrian access within the site is acceptable. MD 223 is a master plan arterial facility, and the applicant has shown on the approved subdivision sufficient right-of-way dedication consistent with master plan recommendations.

Regarding the trip cap, it is noted on the plan that two retail buildings totaling 34,123 square feet are shown. This amount of development would generate 46 AM and 164 PM new peak-hour trips (in consideration of pass-by traffic). The plan also shows a 4,100 square foot drive-in bank in an area of the site that is not part of this Detailed Site Plan. While the additional retail plus the bank would appear to violate Condition 7 of the subdivision, a further review of the findings indicates that it was determined that approximately 10,000 square feet of retail space was allowed on this site by right, and the trip cap is reflective of the additional square feet for which an adequacy finding was made. Furthermore, the building permit for the drive-in bank was approved several weeks in advance of the Planning Board's adequacy finding for the subdivision, and any transportation adequacy conditions placed on its site by the subdivision should absolutely not be considered to apply to that square footage.

The property was the subject of a 2006 traffic study, and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2006 for Preliminary Plan of Subdivision 4-05087. From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan in Section 27-285.

- e. **Subdivision**—In a memorandum dated February 20, 2007, the Subdivision Section stated that the property is the subject of Preliminary Plan of Subdivision application 4-05087, approved by the Planning Board on June 1, 2006. The resolution of approval, PGCPB Resolution No. 06-130, was adopted by the Planning Board on September 28, 2006. A Final Plat of Subdivision has not been recorded for the subject property in accordance with approved Preliminary Plan, 4-05087, though the preliminary plan will remain valid until September 28, 2008 or later extension date granted by the Planning Board. The Subdivision Section listed Conditions 3, 6, 7, 9 and 10 as relevant to the subject approval. Conditions below ensure compliance with Conditions 3, 6 and 9 of the preliminary plan of subdivision approval, while Condition 7 is dealt with in Finding 11 (d) above and Condition 10 would be fulfilled by the approval of the subject detailed site plan application.
- f. **Trails**—In a memorandum dated January 30, 2007, the senior trails planner stated that while there are no master plan issues identified in the Adopted and Approved Subregion

V Master Plan that impact the subject site, sidewalk connectivity must be provided. This would be accomplished if the project is approved subject to recommended conditions as the conditions address such provision along both MD 223 and Woody Terrace.

- g. **Permits**—In a revised memorandum dated February 16, 2007, the Permit Review Section offered numerous comments on the project. The comments have either been addressed by revisions to the plans or in the recommendation section of this report.
- h. **Environmental Planning**—In a memorandum dated January 19, 2007, the Environmental Planning Section offered the following:

SITE DESCRIPTION

This 4.27-acre property in the C-S-C and R-80 zones is located on the south side of Woodyard Road approximately 500 feet west of its intersection with Branch Avenue. 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 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 Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, 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 adopted General Plan.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. 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:

PGCPB No. 06-130, File No. 4-05087

- 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**

Comment: All of these changes were made and the plan was signed on August 9, 2006.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has an approved Type I Tree Conservation Plan, TCPI/005/06. A Type II Tree Conservation Plan is required.

The Type II Tree Conservation Plan, TCPII/004/07, has been reviewed and was found to require revisions. The plan proposes clearing 2.57 acres of the existing 2.71 acres of woodland. The woodland conservation threshold is 0.64 acres. The woodland conservation requirement is 1.67 acres. The plan proposes to meet the requirement by providing 0.67 acres of off-site conservation.

Discussion:

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 was required by the approved Type I Tree Conservation Plan, TCPI/005/06.

2. 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.

Discussion:

This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County during the permit process review.

3. The Prince George's County Department of Environmental Resources has approved a Stormwater Management Concept, CSD #40560-2005-00. The proposed detention pond is shown on the TCPII in the southeastern corner of the site.

Comment: No further action regarding stormwater management is required.

Summary

The Environmental Planning Section recommends approval of DSP-06056 and TCP II/004/07.

- i. **Fire Department**—At the time of this writing, the Prince George's County Fire Department has not offered comment on the subject project.
- j. **Department of Public Works and Transportation (DPW&T)**—At the time of this writing DPW&T has not offered comment on the subject project.
- k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated February 2, 2007, the WSSC stated that while water and sewer are available to the site, an extension may be required. Therefore, they suggested that, in coordination with their Permit Services Unit, an onsite plan package be submitted. Additionally, they noted that since the site abuts Woodyard Road, a private 30-foot water and sewer service connection right-of-way easement should be delineated across lot 11; Block G to serve the proposed site. They also noted that water and sewer connection feasibility would be determined through formal Onsite Plan review. In closing, they noted that any disturbance or construction over existing mains would require WSSC Relocations Unit approval and that the proposed pipeline should maintain 5-foot horizontal clearance from fencing and curb.
- l. **Maryland State Highway Administration (SHA)**—In a memorandum dated February 7, 2007, SHA offered the following comments:
 - (1) The Developer's Traffic consultant firm is currently coordinating the signal installation at the intersection of MD 223 and Woody Terrace with our Traffic Engineering Design Division. Given the potential trip generation of the Office Depot, the SHA will require that Traffic Impact Study be performed to determine the additional impacts to the MD 223 corridor. Currently there is a weaving problem at the MD 5 interchange for those motorists merging onto MD 223 from Southbound MD 5 and trying to make a left into Woody Terrace. Under the current scenario improvements to this interchange were not explored, under this proposal the SHA strongly recommends that the applicant develop

options to improve this movement. The intersection of MD 223 and Woody Terrace would also need to be re-evaluated to ensure the signal and proposed left turn storage lengths can accommodate this development.

- (2) Improvements along the frontage of the Shopping Center to provide an exclusive right-turn lane into Woody Terrace has been permitted through the SHA and is currently under construction.

12. As required by Section 27-285(b), the detailed site plan represents a 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 cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/004/07) and further APPROVED Detailed Site Plan DSP-06056 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the following revisions shall be made to the plans or additional materials submitted:
 - a. The applicant shall provide evidence from the Department of Public Works and Transportation confirming that the detailed site plan conforms to Stormwater Management Concept Plan, 40559-2005-00, and any subsequent revisions.
 - b. The applicant shall add the following note to the plans: An automatic fire suppression system shall be provided in all new buildings proposed unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
 - c. The applicant shall add the following note to the plans: 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 the Department of Public Works and Transportation.
 - d. The applicant shall add the following note to the plans: Applicant shall provide a standard sidewalk along the subject site's entire road frontage of MD 223, unless modified by the State Highway Administration.
 - e. The proposed "off-site" monument sign on Pineview Lane shall be removed from the detailed site plan.

- f. Applicant shall work with staff to redesign and improve the architecture of the side elevations. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.

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.

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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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, March 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of April 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:RG:bjs