



PGCPB No. 13-145

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File No. 4-13014

## RESOLUTION

WHEREAS, Jose and Ruth Mararac (Lot 11) and Entrust MidAtlantic LLC (Lot 12) are the owners of a 1.35-acre parcel of land known as Tax Map 116 in Grid D-3 and is also known as Lots 11 and 12, Block A, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on October 1, 2013, Brian McNeal filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13014 for Patient First, Clinton 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 December 19, 2013, 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 December 19, 2013, 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 Preliminary Plan of Subdivision 4-13014, Patient First, Clinton, including a Variation from Section 24-121(a)(3) for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made:
  - a. Label the centerline and provide the dimension of Woodyard Road (MD 223).
  - b. Label the disposition of the existing building as to be razed.
  - c. Delineate the master plan right-of-way of Woodyard Road (MD 223) at the front of the property and the master plan primary residential street P-507 at rear of the property. This right-of-way shall not be delineated on the record plat.
  - d. Re-label proposed new Lot 11 as Parcel 1 and revise General Note 5 as proposed Parcel 1.
  - e. Revise General Note 12 to state that the site is located within Sustainable Growth Tier 1.

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- f. Revise General Note 13 to the state the following:

“The site is located within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”
  - g. Remove General Note 14.
  - h. Revise General Note 16 to include the approval date of the stormwater management concept plan.
  - i. Revise General Note 22 to include the issuance date of the standard letter of exemption from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.
  - j. Delineate the building restriction line of 105 feet from the centerline of Woodyard Road (MD 223) for the entire site.
  - k. Delineate the shared direct vehicular access easement to Woodyard Road (MD 223) with the adjacent property to the west, Lot 10.
  - l. Add a note that states the following:

“A variation request from Section 24-121(a)(3) has been granted for the shared direct vehicular access to Woodyard Road (MD 223) with the adjacent property to the west, Lot 10.”
  - m. Add a note that states the following:

“The Planning Board determined that the Master Plan rights-of-way for Woodyard Road (MD 223), beyond the 25 feet of dedication proposed with this PPS for MD 223, and primary residential street P-507 will not be placed in reservation. The applicant may obtain building permits within these areas of the subject property without County Council authorization only in accordance with Section 27-259 of the Zoning Ordinance. The subject property is viewed as unencumbered from the Master Plan rights-of-way perspective for development purposes for those areas outside of the dedication as reflected on this approved PPS.”
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 22761-2013-00 and any subsequent revisions.

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3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along the public rights-of-way of Woodyard Road (MD 223) as delineated on the approved preliminary plan of subdivision.
4. At the time of final plat, the following note shall be placed on the plat:

“This plat lies partially within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”
5. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/or assignees shall delineate a building restriction line of 105 feet from the centerline of Woodyard Road (MD 223).
6. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
7. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following in accordance with the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommendation:
  - a. A minimum four-foot-wide sidewalk along the entire subject property frontage of Woodyard Road (MD 223), unless modified by the Maryland State Highway Administration (SHA).
  - b. A minimum four-foot-wide sidewalk path that connects the proposed building to the sidewalk system on Woodyard Road (MD 223).
  - c. Provide full cut-off optic light fixtures throughout the site to reduce light intrusion.
8. Prior to approval of a grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a Maryland Inventory of Historic Properties form for all standing structures on the subject property to be reviewed and approved by the Historic Preservation Section. The form shall include floor plans, representative interior and exterior photos of the dwellings, and exterior photographs of the outbuildings. The inventory shall have been completed prior to issuance of a raze permit.
9. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall submit evidence from the Prince George's County Health Department that any abandoned well associated with the existing structure has been properly backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller.
10. The total development within proposed Parcel 1 shall be limited to uses that would generate no more than 23 AM and 31 PM peak-hour vehicle trips. Any development generating an impact

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greater than that identified herein-above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

11. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate an additional 25 feet of right-of-way to bring the total dedicated/deed right-of-way from centerline along Woodyard Road (MD 223) to a total of 60 feet as delineated on the approved preliminary plan of subdivision.
12. Access to the subject site shall be limited to a single driveway onto Woodyard Road (MD 223) along the western side of the subject property, to be shared with the adjacent property to the west when that site redevelops. Prior to approval of final plat, a recorded shared access easement shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in accordance with this preliminary plan of subdivision and recorded in land records with the liber and folio reflected on the final plat prior to recordation.

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 the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 116 in Grid D-3 and is known as Lots 11 and 12, Block A. The property consists of 1.35 acres within the Commercial Shopping Center (C-S-C) Zone. Lots 11 and 12 were recorded in Plat Book BB 6-16 on October 22, 1937. The subject property is improved with a 1,982-square-foot medical office building, which is to be razed.
3. **Setting**—The subject site is located on the south side of Woodyard Road (MD 223), approximately 600 feet southwest of its intersection with Pine View Lane. The neighboring properties to the north, east, and west are in the C-S-C Zone and are developed with commercial uses. The neighboring properties to south are in the One-Family Detached Residential (R-80) Zone and are developed with single-family dwellings.

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

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-S-C	C-S-C
Use(s)	Medical Office To be razed (1,982 sq. ft.)	Medical Clinic (8,033 sq. ft.)
Acreage	1.35	1.35
Lots	2	0
Outparcels	0	0
Parcels	0	1
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes (24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 25, 2013. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations, for lots that are adjacent to an existing arterial road to be designed to have frontage and direct access onto an interior street or service road, was accepted on October 29, 2013 as discussed further in the Variation finding of this report. The variation was heard on November 8, 2013 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within 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. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The subject property is located in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) (PGCPB Resolution No. 13-75, CR-80-2013) adopted by the County Council on July 24, 2013, and the 2013 Central Branch Avenue Sector Plan (PGCPB Resolution No. 13-09; CR-24-2013) adopted by the County Council on April 2, 2013. The boundaries of the sector plan lie within the Subregion 5 Master Plan. The master plan recognizes and incorporates by reference all of the recommendations for the portion of the sector plan that falls within the master plan boundary. The recommendations of the sector plan supersede those of the master plan, and the sector plan provides specific detailed information on the planning vision, goals, development program, design guidelines, and public facilities recommendations for the portion of the sector plan within Subregion 5.

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The property was retained in the C-S-C Zone in the Subregion 5 Master Plan. The approved sector plan recommends a residential land use for the subject property, however a sectional map amendment to implement the recommended zoning that would allow for the residential land use was not included with the sector plan. Section 24-121(a)(5) of the Subdivision Regulations contains a provision that, if the District Council has not imposed the recommended zoning, then the PPS is not subject to the land use recommendation of the master plan. Since the recommended zoning of the sector plan was not implemented by a sectional map amendment, then the existing zoning of C-S-C for the subject site prevails. The PPS proposes development of a medical clinic which is permitted in the C-S-C Zone.

This preliminary plan of subdivision (PPS) is the first development application since the approval and adoption of the 2013 Central Branch Avenue Sector Plan. A major recommendation in the sector plan for this area is the development of a multi-way boulevard for Woodyard Road (MD 223). The congestion on MD 223 has long been a major issue to the community. The sector plan specifically addresses the segment of MD 223 where the subject property is located as follows:

**During the planning process mobility, connectivity, a sense of identity, access and safety were the primary concerns of stakeholders during community workshops. Traffic congestion during rush hours, coupled with excessive ingress and egress points on the commercial section of MD 223, makes it difficult for drivers to get in and out of existing shopping centers and other businesses on both sides of the roadway. Another hindrance to mobility during rush hours is the gridlock at the intersection of MD 223 and Old Branch Avenue.**

A primary residential street, P-507, was also recommended to provide a future street grid to improve connectivity for the future residential development envisioned for this area without having to access MD 223 directly. Street P-507 is proposed by the sector plan to be aligned at the southern portion of the subject property.

The sector plan envisions future development along this segment of Woodyard Road (MD 223) as follows (page 76):

**Automobile and pedestrian circulation along Woodyard Road is greatly improved by a new multi-way boulevard that offers facilities for pedestrian, bicycle, and automobile usage.**

Implementing a multi-way boulevard along Woodyard Road will enhance connectivity and the driving, walking, and biking experience. It is intended to provide better circulation for residents as well as to serve the commuter traffic. It will also revitalize this area by transforming it into the kind of place that residents, workers, and shoppers will want to be and could help stimulate new investment and redevelopment.

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The sector plan designates MD 223 as a multi-way boulevard with a right-of-way width of 210 feet, building-to-building (including a privately owned area). The specific widths of features comprising the multi-modal boulevard are shown in the sector plan as follows:

- **35 feet (on each side of the centerline, comprised of 7 ft. or ½ of a 14 ft. median, two travel lanes, 11 and 12 ft., plus 5 ft. bike lane)**
- **30 foot wide bicycle/pedestrian landscaped median (comprised of two 10 ft. landscape medians; 10 ft. for pedestrian/bike path)**
- **20 feet curb-to-curb (comprised of a 12 foot travel lane and 8 feet for parking)**
- **10 feet curb-to-property line (comprised of 5 ft. landscape strip, 5 ft. sidewalk)**

As determined by SHA, the Community Planning Division, and the Transportation Planning Section, the right-of-way necessary to implement the improvements would be 190 feet, or 95 feet from centerline. Taking into account the ten-foot-wide public utility easement on private property, the building restriction line is established at a distance of 105 feet from the centerline of MD 223.

The PPS proposed a right-of-way dedication of 60 feet from the centerline of MD 223. To implement the sector plan, an additional right-of-way of 35 feet is necessary to provide the ultimate 190-foot-wide right-of-way, or 95 feet from the centerline of MD 223. A request for reservation of the additional 35 feet of right-of-way to SHA was sent on November 15, 2013. SHA is in support of the sector plan recommendations for MD 223, but does not have the available funds for acquisition at this time. Therefore, reservation of an additional 35 feet of right-of-way for MD 223 is not recommended.

This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface E, with a maximum height limit of approximately 447 feet above the runway surface. This property is outside of the 65 dBA Ldn and above noise contours, so noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are required. These categories do not prevent any of the proposed development and should be noted on the PPS.

6. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property, which will be evaluated at the time of permit review.

**2010 Prince George's County Landscape Manual**

Landscaping, screening, and buffering of development in the C-S-C Zone are subject to the requirements of the Landscape Manual. More particularly, the application is subject to Section 4.3,

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Parking Lot Requirements; Section, 4.4, Screening Requirements; Section 4.6(c)(2), Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. The requirements of Sections 4.6 and 4.7 will have a great impact on the development layout as follows:

- a. **Section 4.6(c)(2)**—Woodyard Road (MD 223) is a designated historic road. Compliance with Section 4.6, Buffering Development from Special Roadways, is required. In the Developing Tier, a minimum 20-foot-wide landscape buffer planted with 80 plant units per 100 linear feet of frontage, excluding driveway openings, is required. The Urban Design Section recommends that the required buffering along the street be provided outside of the public utility easement and the proposed Washington Suburban Sanitary Commission (WSSC) easement.
- b. **Section 4.7** Pursuant to Section 4.7 of the Landscape Manual, a medical practitioner's office is categorized as a medium impact use. A Type "C" buffer inclusive of a 40-foot-wide building setback and a 30-foot-wide landscape yard is required on the subject property along all property lines that abut one-family detached uses.

Conformance with all of the landscaping requirements will be evaluated at the time of permit review.

#### **Zoning Ordinance**

Section 27-461, Uses Permitted, of the Zoning Ordinance specifies the uses that are permitted in the C-S-C Zone. A medical practitioner office or medical clinic is permitted by-right in the C-S-C Zone.

Conformance with Section 27-462, Regulations, of the Zoning Ordinance is required for the proposed development and will be evaluated at the time of permit review. The required side and rear yard setbacks are those indicated in Section 27-462, or the buffer required in the Landscape Manual, whichever is greater. Because the property is adjacent to existing residential uses, compliance with the requirements of the Landscape Manual should be demonstrated at the time of permit review.

7. **Environmental**—A signed Natural Resources Inventory (NRI-110-13) and an approved NRI Equivalency Letter was issued on July 15, 2013, with an expiration date of July 15, 2018, for the subject property. The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) and a standard letter of exemption, S-116-13, was issued on July 12, 2013 with an expiration date of July 12, 2015. A Type 1 tree conservation plan (TCP1) was not submitted with the review package and is not required.

#### **Conformance to the Master Plan**

The master plan for this area is the Subregion 5 Master Plan and Sectional Map Amendment. The Environmental Infrastructure section of the master plan contains goals, policies, and strategies.



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The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is from the master plan and the plain text provides comments on plan conformance.

**POLICY 1: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The project site does not contain regulated environmental features or woodland areas. The site does not contain any elements of the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) with regards to environmental site design; the site is required to provide bioretention and infiltration per the approved stormwater management concept letter. The open space requirement will be addressed by the Urban Design Section.

**POLICY 2: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

- **Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

This proposal is for the subdivision of two commercially-zoned lots. The site contains one two-story building; however, a significant portion of the site is undeveloped. The stormwater management design is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable. The site has an approved stormwater management concept plan and letter.

The Stormwater Management Concept Plan (22761-2013-00) submitted with the subject application proposes three micro-bioretention ponds. No outfall structures are shown for these facilities. The site does not contain any wetlands or streams, nor would any be directly affected by the proposed concept.

**POLICY 3: Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.**

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The subject property is not located in the Chesapeake Bay Critical Area.

**POLICY 4: Reduce air pollution through transportation demand management (TDM) projects and programs.**

- **Promote “climate-friendly” development patterns through the planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and green-house gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

**POLICY 5: Encourage the use of green building techniques that reduce resource and energy consumption.**

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

**POLICY 6: Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.**

The project proposes to construct a medical clinic. The site is bounded on the east, west, and south by a single-family dwelling. The project area is located in an area of Woodyard Road (MD 223) that contains a mixed use of commercial and residential areas. This road is identified as an arterial roadway that has enough traffic to produce noise levels above 65 dBA Ldn.

No residential units are proposed as part of the development and no mitigation is required. No noise mitigation is required as part of this development.

The site is also located in the Central Branch Avenue Sector Plan. The Environmental section of the sector plan contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is from the master plan and the plain text provides comments on plan conformance.

**Recommendation 1: Expand tree and forest canopy coverage by ensuring that new development meets its woodland conservation requirement either on-site or within the plan area’s watershed. Establish woodland conservation banks within**

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**Piscataway and Henson Creek watersheds for use when off-site woodland conservation acreage is needed as part of new development.**

The project area does not contain any wooded areas within the project boundary. The site has a standard letter of exemption and is exempt from woodland conservation requirements.

**Recommendation 2: Protect existing woodland and natural areas, restore wetlands and forests (HOAs) and institutions such as schools and churches who own large tracts of undeveloped land, to preserve forested stream buffers, minimize forest fragmentation, and establish reforestation banks or woodland banks on their properties.**

The site contains no woodlands, wetlands, streams, or primary management areas. No woodland replacement requirements are needed for this project.

**Recommendation 3: 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 swale channels and swales to reduce runoff and sheet flow into stream and wetland buffers.**

The subject application proposes three micro-bioretention ponds with no outfall structures. These facilities will use infiltration as part of their stormwater management requirement.

**Recommendation 4: Ensure that site and street designs include the use of full cut-off optic lighting system that provide consistent light levels throughout the revitalization areas.**

Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion to off-site properties.

**Recommendation 5: Mitigate noise created by transportation uses on existing and future residential communities by designing the proposed residential uses to minimize noise impacts through building placement or construction materials. Discourage inappropriate land uses, such as outdoor recreation, in areas subject to high noise levels.**

No residential units are proposed as part of the development and no mitigation is required. No noise mitigation is required as part of this development.

**Conformance with the Green Infrastructure Plan**

The site is not located within the designated network of the Green Infrastructure Plan.

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### **Environmental Review**

No woodland areas are located on-site. According to mapping research and as documented with the approved NRI, no regulated environmental features (stream buffers, wetlands, 100-year floodplain, and steep slopes) are found on the property. This site is within the Piscataway watershed which flows into the Potomac River basin. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the two forms of Beltsville-Urban land soil types. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit review process. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species mapped to occur on or in the vicinity of this property.

Woodyard Road (MD 223) is a designated historic road. Roadway design criteria will be determined for this roadway by SHA with consideration for any scenic or historic features of the site which may be identified.

This property is exempt from the provisions of the WCO because, although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland and it has no previously approved tree conservation plan. The Standard Letter of Exemption (S-116-13) issued for the site on July 12, 2013 expires on July 12, 2015. No specimen trees were found on-site.

8. **Stormwater Management** DPIE has determined that on-site stormwater management is required. A Stormwater Management Concept Letter, 22761-2013-00, for the site was approved on October 1, 2013 and is valid until October 1, 2016. The applicant proposes three micro-bioretenion ponds to handle stormwater management for the entire project. Development must be in accordance with the approved plan, or any subsequent revisions as long as the revisions are not inconsistent with the PPS approval.

The approved stormwater management plan is required to be designed in conformance with any approved watershed management plan pursuant to Subtitle 32, Water Resources and Protection; Division 3, Stormwater Management Plan; Section 172, Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPIE.

9. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, the subdivision is not applicable to the mandatory dedication of parkland because the development proposed is nonresidential.

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10. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements. The subject property is not located within a General Plan corridor or center and is therefore not subject to Section 24-124.01 of the Subdivision Regulations (CB-2-2012).

The site is located within the 2013 Central Branch Avenue Sector Plan. The vision described in the sector plan includes improved pedestrian and bicycle facilities that would connect to area land uses and a proposed transit station east of Branch Avenue (MD 5) near Woodyard Road (MD 223). The proposed transit station would be within walking distance from the subject property.

Woodyard Road is recommended to contain bike lanes, paved paths, and sidewalks. Woodyard Road is envisioned to be a multi-modal boulevard with a right-of-way width of 190 feet to accommodate all of the pedestrian and bicycle facilities and design features. Also, there is a newly planned road (P-507) that is shown across the southern portion of the subject property in the approved area master plan. This road is recommended to contain bicycle lanes and sidewalks. Street P-507 is a planned 60-foot-wide public street that would create a new block to implement the future land use vision.

It is recommended that the PPS conform to and show the rights-of-way of all highways, streets, and transit facilities recommended in the sector plan, specifically MD 223 and P-507. Dedication or reservation of the master-planned rights-of-way will include sufficient rights-of-way to allow bicycle lanes, sidewalks, and other facilities described in the sector plan to be constructed in the future. The details of future bicycle and pedestrian facilities as described in the sector plan would be the subject of future plan reviews and possible highway capital improvement projects. There are no county- or state-funded capital improvement projects at this time that would directly affect the subject application. There is an existing marked pedestrian crossing over MD 223 at the intersection of MD 223 and Pine View Lane. This is the nearest legal road crossing to the subject subdivision.

Sidewalks will be needed to access the proposed subdivision. Sidewalks exist across from the subject property on MD 223 and east of the subject property on MD 223. Sidewalks do not exist along the subject property frontage, or west of the property. It is recommended that the applicant construct new sidewalks along the entire subject property frontage of MD 223, unless modified by SHIA. Internal sidewalks (sidewalks on the subject property) should connect the proposed building to the existing sidewalk system.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

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11. **Transportation**—The site is located on the south side of Woodyard Road (MD 223), approximately 600 feet west of its intersection with Pine View Lane. The applicant proposes a commercial subdivision of a single lot for the development of an 8,033-square-foot-medical office building.

#### **Growth Policy-Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan. 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**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. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The application is supported by weekday peak-hour traffic counts dated September 2013 that were provided by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Transportation Review Guidelines, Part 1," (Guidelines).

#### **Analysis of Traffic Impacts**

The proposed development would generate 23 AM and 31 PM weekday peak-hour vehicle trips as determined using the Guidelines.

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

- MD 223 and site access (unsignalized)

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- MD 223 and Pine View Lane (signalized)

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in September 2013 and existing lane configurations, operate as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	MD 223 and site access	future		--
MD 223 and Pine View Lane	761	1,149	A	B
*In analyzing unsignalized intersections, the 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.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). Background traffic has been developed for the study area using several approved but unbuilt developments within the study area. A one percent growth rate for a period of two years has been assumed; this is a conservative estimate because the historical growth rates for this area indicate no traffic growth. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	MD 223 and site access	future		--
MD 223 and Pine View Lane	864	1,236	A	C
*In analyzing unsignalized intersections, the 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.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as follows: 60 percent east along MD 223 and 40 percent west along MD 223, operate as follows:

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TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 223 and site access	19.2*	27.5*	--
MD 223 and Pine View Lane	865	1,243	A	C
*In analyzing unsignalized intersections, the 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.				

It is found that all critical intersections operate acceptably under total traffic in both peak hours. In accordance with this analysis, a trip cap consistent with the trip generation assumed for the site will be recommended.

#### Master Plan Rights-of-Way and Reservation

##### A-54 Facility (MD 223)

With regard to the master plan for the site, the site is adjacent to Woodyard Road (MD 223). Woodyard Road at this location is part of a planned arterial facility. The Central Branch Avenue Sector Plan recommends the A-54 facility as a multi-way boulevard. This would include four travel lanes with a median, a one-way service roadway with on-street parking on each side of the main roadway, and two-way cycle tracks on each side of the main roadway. The overall right-of-way would be 190 feet (95 feet from centerline) and, with ten-foot-wide public utility easements on each side, the roadway would measure 210 feet building-to-building. The submitted plan provides for dedication of 60 feet from the centerline along the site's frontage.

The Maryland Land Use Article, Division II, Title 23, indicates that the maximum dedication that can be exacted from a property is the width of a primary roadway, or 60 feet. The applicant has furnished documentation that 35 feet from the centerline of MD 223 was previously deeded or dedicated; this limits the additional dedication during this subdivision process to an additional 25 feet (for a total of 60 feet), which matches the dedication reflected on the plan.

Given the constraints on the site and the need posed by the master plan, it was determined that the plan should be referred for reservation in accordance with Section 24-139(b) of the Subdivision Regulations. The referral to SHA was done on November 15, 2013 for an additional 35 feet of right-of-way to MD 223. The timing of the referral being sent out to SHA was due to discussions between SHA and M-NCPPC to determine the least amount of right-of-way necessary to implement the sector plan for MD 223. The sector plan indicates that the right-of-way of MD 223 is 210 feet including a building restriction line. SHA and staff have agreed that a dedicated right-of-way of 190 feet, with 95 feet from the centerline, is sufficient to ensure that the multi-



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modal vision along MD 223 can be implemented. Once this was determined, a request for reservation of an additional 35 feet of right-of-way for MD 223 was sent to SHA (November 15, 2015).

The PPS is required to conform to the sector plan. Making an appropriate determination of dedication or reservation is a significant part of demonstrating that conformance. In the case of MD 223, Section 24-139(b) states, **If a reservation appears desirable, the Planning Board shall refer the preliminary plan to the public agency concerned with acquisition for its consideration and report; and to the County Executive, County Council, and any municipality within which such property is located, for their comments.** That section goes on to state that, **The Planning Board may propose alternate areas for such reservation and shall allow thirty (30) days for reply.**

The 30-day deadline for the request for reservation of an additional 35 feet of right-of-way for MD 223 to SHA is December 15, 2013. In a written statement dated December 4, 2013 (Slater to Masog), SHA stated that they are in support of the sector plan recommendations for MD 223, but do not have the available funds for acquisition at this time. Therefore, the Planning Board determined that an additional 35 feet of right-of-way for MD 223 will not be placed in reservation.

#### **P-507 Facility**

With regard to the master plan for the site, the site is adjacent to the planned P-507 facility as shown on the Central Branch Avenue Sector Plan. Facility P-507 is planned as a primary residential facility with a 60-foot-wide right-of-way to connect properties on the south side of MD 223 to Clinton Street and Pine View Lane. The submitted plan provides no proposed dedication for P-507. A basis to require the dedication of P-507 could not be found at this time.

Given the lack of a nexus to require the dedication and need posed by the master plan, it was determined that the plan should be referred for reservation in accordance with Section 24-139(b). The referrals to SHA and DPW&T were done on November 4, 2013 for P-507. In accordance with Section 24-139(b), the referrals allowed 30 days for comment.

The 30-day deadline for the request for reservation of P-507 to DPW&T was December 4, 2013. DPW&T has not provided any written indication for acquisition of P-507 and, therefore, the Planning Board determined that P-507 will not be placed in reservation. In a letter dated November 27, 2013 (Slater to Masog), SHA states that they are in support of the sector plan recommendations for the Clinton area but offered no commitment to future acquisition of the P-507 facility.

#### **Reservation**

In this case and pursuant to Section 27-259 of the Zoning Ordinance, the Planning Board determined that the master plan rights-of-way beyond that the 25 feet of dedication proposed with this PPS for MD 223, and primary residential street P-507 will not be placed in reservation. Therefore, the applicant may obtain building permits within those areas of the site without County

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Council authorization. The property is viewed as unencumbered from the master plan rights-of-way for development purposes.

Based on the preceding findings, it is determined that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124.

12. **Variation to Section 24-121(a)(3)**—The PPS proposes one direct access onto Woodyard Road (MD 223), a master plan freeway facility, from Parcel 1. The applicant filed a variation request from Section 24-121(a)(3) of the Subdivision Regulations to allow direct access onto an arterial or higher classification of roadway. Section 24-121(a)(3) states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Section 24-121(a)(3) establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline requires that an applicant develop alternatives to direct access onto an arterial or higher classification of roadway. The applicant is requesting relief from this requirement to allow direct access onto MD 223 from Parcel 1.

The applicant has filed a variation from Section 24-121(a)(3), which was submitted on October 29, 2013 and was heard on November 8, 2013 at the Subdivision and Development Review Committee (SDRC) meeting as required by Section 24-113(b).

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

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- (1) The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The direct access to the arterial is proposed at a location that allows the access to be shared with an adjacent property to the west. SHA has not indicated any opposition to or issues with the recommended shared access along the site's frontage. In any regard, the access will need to be reviewed under SHIA's permit process.

- (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;**

While the physical situation of the property is well-understood, this single property is not unique; however, the row of several lots along the south side of MD 223 between Old Branch Avenue and Pine View Lane having the same zoning, similar commercial or service uses, and frontage on MD 223 only, is a unique situation in the context of the entire county. It can be accepted that this grouping of lots is unique in its configuration, which underscores that a single lot or pair of lots should not be considered apart from the others. For that reason, means of sharing access points between users is recommended as a condition of the approval of this variation and should be a part of any approval in this area. The access exhibit submitted with the variation request indicates a shared access easement location.

- (3) The variation does not constitute a violation of any law, ordinance, or regulation;**

The access has been reviewed by SHA and would not violate any law, ordinance, or regulation. Access to MD 223 is regulated by SHA.

- (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;**

It is agreed that MD 223 provides the only street frontage and, because of the shape and depth of the property, the sole street frontage is MD 223. Denial of access to this arterial would result in the property not being able to be developed and would be a particular hardship to the landowner.

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- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family 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.**

The site is not located in any of the listed zones; therefore, this condition does not apply.

Based on the preceding findings for each of the criteria, the requested variation from Section 24-121(a)(3) of the Subdivision Regulations is approved for the subject parcel to provide for a shared right-in/right-out access onto Woodyard Road (MD 223) with adjacent Lot 10 to the west.

- 13. **Schools**—The proposed PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (Council Resolutions CR-23-2001 and CR-38-2002), and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
- 14. **Fire and Rescue**—The proposed PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
25	Clinton	Engine	9025 Woodyard Road	0.53	7	Within
25	Clinton	Ladder Truck	9025 Woodyard Road	0.53	7	Within
25	Clinton	Ambulance	9025 Woodyard Road	0.53	7	Within
25	Clinton	Paramedic	9025 Woodyard Road	0.53	7	Within

**Capital Improvement Program (CIP)**

There are no Prince George’s County CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

- 15. **Police Facilities**—The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George’s

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County Police Department, and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

16. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System Adequate for Development Planning. Water and sewer lines in Woodyard Road (MD 223) abut the site.

17. **Health Department**—The Prince George’s County Health Department has evaluated the proposed PPS and offered the following comments:

“Since the existing structure predated the public water connection, be advised that there are likely to be hand dug well(s). One was observed immediately behind the existing structure which is partially backfilled. All wells must be properly backfilled and sealed by a licensed well driller or under the supervision of an environmental health specialist.”

18. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should 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 PPS correctly delineates a ten-foot-wide public utility easement along the public rights-of-way as requested by the utility companies.

19. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 1.357-acre property located at 9000 Woodyard Road in Clinton, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicate the probability of archeological sites within the subject property is low.

Tax and deed records indicate that the existing house on Lot 11 in Block A of the Clinton Gardens subdivision was built around 1951 for Elmer E. and Elsie G. Melson. The Melsons owned the property until 1987 when it was sold to the current owners, Jose D. and Ruth Valencia Mararac.

The existing house and outbuildings on Lot 11 in Block A of the Clinton Gardens subdivision should be recorded on a Maryland Inventory of Historic Properties form prior to its demolition. The documentation should include a floor plan and representative interior and exterior

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photographs. A copy of the form should be submitted to Historic Preservation staff for review and approval prior to final plat.

- 20. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new PPS is recommended if residential development is to be proposed.

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.

\* \* \* \* \*

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 Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 19, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of December 2013.

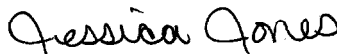
APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 12/23/13

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj