

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on September 19, 2019, regarding Conceptual Site Plan CSP-18005 for Clinton Market Place South, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) for Clinton Market Place South, for a mixed-use development consisting of 60–100 one-family attached (townhouses) dwelling units, and 5,000–20,000 square feet of commercial/retail uses.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	One-family attached residential; Commercial/Retail
Acreage	9.61	9.61
Total Gross Floor Area (sq. ft.)		155,000–270,000
Commercial GFA	-	5,000–20,000
Residential GFA	-	150,000–250,000
Dwelling Units Total	-	60–100
One-Family Attached	-	60–100

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

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.37–0.65 FAR

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

3. **Location:** The property is located on the west side of Brandywine Road, approximately 850 feet north of its intersection with Surratts Road, in Planning Area 81A, Council District 9. The subject property is located on Tax Map 116 in Grid C4, and is known as Parcel 83, recorded among the Prince George's County Land Records in Liber 36392 folio 599. The property is 9.61 acres and is located within the Mixed Use-Transportation Oriented (M-X-T) Zone.
4. **Surrounding Uses:** To the north and east are single-family dwellings in the M-X-T Zone. The property fronts on Brandywine Road to the east, and there are existing single-family dwellings in the One-Family Detached Residential (R-80) Zone beyond. The subject site abuts R-80-zoned properties to the west, which include single-family dwellings and public streets Small Drive and Gwynndale Drive. The applicant has deeded property to the south, which is in the M-X-T zone, to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for an expansion to the adjacent Cosca Regional Park.
5. **Previous Approvals:** On March 6, 2018, the Prince George's County District Council approved Council Resolution CR-13-2018, which approved three specified minor amendments (known as Minor Amendment Four, Five, and Six in CR-062-2017) to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). The purpose of the amendments was to align current land use and development policies for the affected properties with the approved comprehensive plan vision applicable to these properties within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* and the *Plan Prince George's 2035 Approved General Plan*. The properties that make up this CSP application are located within Minor Amendment Four. The subject property was rezoned from the R-80 Zone to the M-X-T Zone.
6. **Design Features:** The applicant proposes a mixed-use development consisting of residential and commercial/retail uses. A single access point from Brandywine Road leads first to the commercial pad-site with a surface parking lot, and then to the one-family attached dwellings to the west. The CSP shows two potential site access points to the north, which may allow for connections to the recently approved CSP-18004 for Clinton Market Place North. Existing Gwynndale Drive and Small Drive dead end at the western property line, and potential site access points should be shown here to allow for further connectivity.

The illustrative plan shows a private street network that surrounds two interior blocks, with central open spaces that include pedestrian paths and stormwater facilities in the rear of the townhouse units. Townhouses line the perimeter of the site, and the landscape plan indicates that the applicant will buffer the project from surrounding incompatible uses and meet all requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

A monument sign is shown along Brandywine Road for illustrative purposes, as all signage will be determined at the time of detailed site plan (DSP).

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in all mixed-use zones.
- (1) The proposed one-family attached and commercial/retail uses are permitted in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, this property would be limited to 100 one-family attached units and 20,000 square feet of commercial/retail uses, as proposed in this CSP.
- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:
- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
- (1) **Retail businesses;**  
(2) **Office, research, or industrial uses;**  
(3) **Dwellings, hotel, or motel.**
- The subject CSP proposes two types of uses, as required; including a residential component consisting of 100 one-family attached units, as well as a commercial/retail component with a maximum of 20,000 square feet of gross floor area. These proposed uses satisfy the mixed-use requirement of Section 27-547(d).
- b. The CSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance. The following discussion is offered:
- (1) The maximum proposed floor area ratio (FAR) for the site is 0.65, as provided on the CSP. This is more than the maximum base density of 0.40 FAR, but below

the maximum FAR of 1.40, which is allowed by using the optional method of development. An increase of 1.0 FAR is allowed for providing more than 20 dwelling units.

- (2) Developments in the M-X-T Zone are required to have vehicular access to a public street, in accordance with Section 27-548(g), noted below.

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

While the overall development is accessed from a public street, the development will be served by private streets and alleys. At the time of preliminary plan of subdivision (PPS), appropriate frontage and vehicular access for all lots and parcels must be properly addressed.

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

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

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

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;**

The District Council rezoned the property by Council Resolution CR-13-2018; this event nullified the sector plan's recommendation. The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone.

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

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

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

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

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

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

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

The applicant has not shown a phasing plan, but has indicated that the proposed residential development on the west portion of the site, including the street network and access road from Brandywine Road, would occur first.

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

This requirement will be further evaluated in detail at the time of DSP. The CSP shows sidewalks along all public and private roads, forming a pedestrian network throughout the site.

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

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

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

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

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

<b>Trip Generation Summary: CSP-18005: Clinton Market Place South (CMPS)</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Retail	7,500	square	4	3	7	38	42	80

		feet						
Less Pass-By (60 percent per Guidelines)			-2	-2	-4	-23	-25	-48
Net Trips for Retail			2	1	3	15	17	32
Townhouse	100	units	56	14	70	28	52	80
<b>Total Proposed Trips</b>			<b>58</b>	<b>15</b>	<b>73</b>	<b>43</b>	<b>69</b>	<b>112</b>

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

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

The submitted study has been written to analyze the subject site and another nearby site that is controlled by the same applicant. That approach is deemed acceptable. For purposes of the analysis, the other nearby site (previously approved as CSP-18004 for Clinton Market Place North) is part of the background for this application.

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

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

**Background Traffic**

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

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

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 223 at Old Branch/Brandywine	1,749	1,832	F
MD 223 at CMPN site access	790	897	A	A
Brandywine Road at Horseshoe/CMPN site access	979	1,098	A	B
Brandywine Road at CMPS site access	future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

**Total Traffic**

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the “Transportation Review Guidelines, Part 1” including the site trip generation as described above, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>		
Intersection	Critical Lane Volume (AM & PM)	



MD 223 at Old Branch/Brandywine	1,771	1,875	F	F
MD 223 at CMPN site access	794	902	A	A
Brandywine Road at Horseshoe/CMPN site access	997	1,123	A	B
Brandywine Road at CMPS site access	15.6*	29.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

An inadequacy in both peak hours is noted in the table above at the MD 223 and Old Branch Avenue/Brandywine Road intersection. The intersection of MD 223 and Old Branch Avenue/Brandywine Road is programmed for improvement with 100 percent construction funding within the next six years in the current CIP, with the requirement for developer funding. With that improvement in place, the intersection would operate with a critical lane volume (CLV) of 1,159 and LOS C in the AM peak hour. In the PM peak hour, the intersection would operate with a CLV of 1,205 and LOS C. The improvements included within the “Brandywine Road and MD 223 Intersection” project in the current CIP include the following:

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

It is determined that the CIP project with partial developer funding will result in acceptable operations at this intersection. Therefore, the applicant will be required to provide funding toward this improvement, with the level of construction and/or financial participation to be determined in cooperation with the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George’s County Department of Public Works and Transportation (DPW&T), and supplied at the time of PPS.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement**

**Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

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

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

The subject property measures 9.61 acres and does not meet the above acreage requirement. Furthermore, it is not being developed as a mixed-use planned community. Therefore, this requirement is not relevant to the subject project.

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

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

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Adequate visitor parking for all residential units will need to be addressed at the time of DSP.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-006-2019) was submitted with the CSP application.

Based on the TCP1 submitted with this application, the site contains 8.55 acres of woodland and has a woodland conservation threshold of 1.44 acres (15 percent). The woodland conservation worksheet proposes the removal of 8.14 acres on the net tract area, for a woodland conservation requirement of 4.25 acres. The requirement is proposed to be met with 0.41 acre of woodland preservation, 0.14 acre of reforestation, and 3.70 acres of off-site woodland preservation. The

reforestation is proposed to supplement one of the preservation areas, so that it meets the minimum size requirements to be counted as woodland conservation. The other woodland preservation area does not appear to consistently meet the minimum width requirement. The woodland conservation areas must meet the minimum requirements to be counted as credit.

9. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:
  - a. **2010 Prince George’s County Landscape Manual**—This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements from Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual.
  - b. **Prince George’s County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 9.61 acres in size and the required TCC is 0.96 acre. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP.
10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
  - a. **Historic Preservation**—The Planning Board reviewed a memorandum dated June 24, 2019 (Stabler to Hurlbutt), which provided comments on this application, incorporated herein by reference and summarized, as follows:

The 1879 Hopkins map indicates that Noble Thompson was residing on, or near the subject property at that date. The 1894 Hopkins map shows Eugene White residing in the vicinity at that date. There is a medium to high probability that historic, or prehistoric archeological resources will be identified on the subject property.

In accordance with the Planning Board’s directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Sections 24-104, 121(a)(18), and 24-135.01 of the Subdivision Regulations, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George’s County, including the possible existence of slave quarters and slave graves, as well as

archeological evidence of the presence of Native American people.

- (1) Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), are recommended on the above-referenced property to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites.

The applicant shall submit a Phase I research plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is requested prior to approval.

- (2) Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of a PPS, ground disturbance, or the approval of any grading permits, the applicant shall provide a plan for:
  - (a) Evaluating the resource at the Phase II level, or
  - (b) Avoiding and preserving the resource in place.
- (3) If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Lab in St. Leonard, Maryland, prior to any ground disturbance or approval of any grading permits.
- (4) Depending upon the significance of findings (at Phase I, II, or III), the applicant shall provide interpretive signage. The location and wording should be subject to approval by the staff archeologist prior to issuance of any building permits.

Historic preservation related conditions will be addressed at the time of future reviews and approvals.

- b. **Community Planning**—The Planning Board reviewed a memorandum dated August 12, 2019 (Lester to Hurlbutt), which provided comment on the submitted CSP, incorporated herein by reference and summarized, as follows:

Pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, master plan conformance is not required for this application. Pursuant to Section 24-121(a)(5), at the time of submittal of a PPS for the subject property, conformance to the approved sector plan will not be required because Council Resolution CR-13-2018, Minor Amendment Four, reclassified the subject property from the R-80 Zone to the M-X-T Zone. The Planning Board finds that this event renders the open space future land use

recommendations of the sector plan no longer appropriate.

- c. **Transportation Planning**—The Planning Board reviewed a memorandum dated August 22, 2019 (Masog to Hurlbutt), which provided comment on the submitted CSP, incorporated herein by reference, and summarized as follows:

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

Brandywine Road is a master plan collector facility with a proposed width of 80 feet. The right-of-way is acceptable as shown on the CSP.

The CSP is largely acceptable as shown. However, as a means of improving general community access, allowing access for the adjacent community to Brandywine Road and improving the delivery of public services to the neighborhood, the plan must be modified to show an access arrow to the west at Gwynndale Drive and Small Drive. This access can be reviewed further at the time of PPS and DSP.

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

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

- d. **Subdivision Review**—The Planning Board reviewed a memorandum dated August 15, 2019 (Davis to Hurlbutt), which provided an analysis of the CSP, incorporated herein by reference, and summarized as follows:

A PPS will be required pursuant to Section 24-107 of the Subdivision Regulations. Additional right-of-way along Brandywine Road may be required at the time of PPS. Circulation through the site, appropriate connectivity to the abutting streets of Gwynndale Drive and/or Small Drive, and the spatial relationship of the uses to each other and the abutting properties will be further reviewed at the time of PPS. A 10-foot-wide public utility easement will need to be provided on both sides of any proposed public roads and one side of a proposed private road at the time of PPS. All proposed private roads must show a minimum pavement width of 22 feet pursuant to Section 24-128(b)(7) of the Subdivision Regulations.

- e. **Trails**—The Planning Board reviewed a memorandum dated August 22, 2019 (Smith/Ryan to Hurlbutt), incorporated herein by reference and summarized, as follows:

The Planning Board finds that continuous sidewalks should be provided along the site's entire frontage of Brandywine Road, unless modified by DPW&T or DPIE. The planned bike lane along Brandywine Road, per the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), warrants a bikeway signage fee to accommodate future bicycle improvements. Additional dedication of right-of-way will be reviewed at the time of PPS to provide additional space for the master plan bicycle lanes.

The Planning Board finds that sidewalk access should be provided to all residential units and along both sides of all internal roads, excluding alleys, consistent with the Complete Streets policies of the MPOT. Provision of sidewalks will be reviewed in further detail during the subject site's future application for a PPS and/or DSP. Additionally, bicycle parking will be reviewed at the time of DSP to further accommodate all modes of transportation.

Trails or walking paths are appropriate in, and connecting to, the parkland to the south. This will be reviewed further at the time of PPS and DSP. Additionally, the submitted development application does not provide any connection between the subject site and the neighborhoods immediately west. General pedestrian and bicycle circulation and access could be improved by an additional connection along Gwynndale Drive. This access will be reviewed further at the time of PPS.

Due to the nature of the subject application, no trails recommendations are made at this time. Details regarding bicycle improvements and pedestrian access will be addressed at the time of PPS and DSP.

- f. **Environmental Planning**—The Planning Board reviewed a memorandum dated August 19, 2019 (Schneider to Hurlbutt), which provided the following summarized comments on the subject application, incorporated herein by reference:

**Natural Resources Inventory Plan/Existing Features**

A Natural Resources Inventory, NRI-088-07-01, was approved on May 1, 2015, and provided with this application. The site contains a stream buffer and primary

management area (PMA) from an off-site stream system. There are specimen trees scattered throughout the property. The TCP1 and CSP show all the required information correctly, in conformance with the NRI.

**Specimen Trees**

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

The specimen tree table lists 19 total specimen trees, with 8 located on-site, and 11 located just off-site. One of the specimen trees (ST-8) was identified on the NRI and was not located during this investigation, but ST-14 is believed to be the missing tree. The 8 on-site specimen trees were identified with the ratings of excellent (ST-2 and ST-5), good (ST-1 and ST-3), fair (ST-4 and ST-7), and poor (ST-6 and ST-20), and the 11 adjacent specimen trees identified with the ratings of good (ST-9, ST-11, ST-16, ST-17, and ST-18), fair (ST-19), and poor (ST-10, ST-12, ST-13, and ST-15), and ST-14 was not rated. The current design proposes to remove 10 specimen trees for the development; 8 on-site specimen trees (ST-1, ST-2, ST-3, ST-6, ST-7, ST-20) and 2 off-site specimen trees (ST-9 and ST-15). A Subtitle 25 Variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on June 11, 2019.

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

**SPECIMEN TREE SCHEDULE SUMMARY**

ST #	COMMON NAME	Diameter (in inches)	RATING	CONDITION	DISPOSITION
1	White Oak	36	Good	Trunk/Top Damage/Dieback	To be removed
2	White Oak	30	Excellent	Top Damage/Dieback	To be removed
3	White Oak	31	Good	Trunk/Top Damage/Dieback	To be removed
6	White Oak	34	Poor	Root Trunk/Top Damage/Dieback	To be removed
7	White Oak	38	Fair	Leaning/ Trunk/Top Damage/Dieback	To be removed
9	Yellow Poplar	38	Good	Top	To be removed

				Damage/Dieback	
15	Yellow Poplar	42	Poor	Root/Trunk/Top Damage/Dieback	To be removed
20	White Oak	42	Poor	Root/Trunk/Top Damage/Dieback	To be removed

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

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

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

The eight specimen trees on-site range in condition ratings from excellent to poor; however, the comments provided in the specimen tree table indicates that even the trees rated as excellent have existing conditions, including trunk damage, top damage, and dieback, that would make preservation difficult given the extent of the proposed development within the M-X-T Zone. Preserved trees with existing conditions within this development would likely end up dying due to stress and needing to be removed during or shortly after construction.

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

An existing stressed specimen tree within a proposed development area would not be required to be protected in similar applications. These trees are approved for removal to prevent the developer from coming back in the future to request the removal of a dead tree within the project limits. The proposed development of the site is in keeping with similar projects within the area.

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

See criteria (B).

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

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



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

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

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

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

Based on the level of design information currently available, and the limits of disturbance shown on the TCP1, a determination that the removal of ST-1, ST-2, ST-3, ST-6, ST-7, ST-9, ST-15, and ST-20 can be made at this time. The Planning Board found that the removal of the eight specimen trees are necessary due to the poor health of the trees.

**Preservation of Regulated Environmental Features**

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are proposed for SWM structures. An SOJ has been received for the proposed impacts to the PMA and stream buffer. As part of this application, a site visit was performed to evaluate the existing features of the site. During the Subdivision and Development Review Committee meeting on July 12, 2019, it was determined that possible changes that were to occur to the subdivision layout and impacts could not be fully evaluated at this time. The impacts to the regulated environmental features will be reviewed in greater detail during the review of the PPS.

**Stormwater Management**

An unapproved SWM concept plan was submitted with the application. The SWM concept plan shows the use of environmentally-sensitive design elements to address water quality requirements. The approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection; Division 3, SWM; Section 172, Watershed Management Planning.

**Erosion and Sediment Control**

No information with respect to erosion and sediment control was submitted with the subject application; however, it should be noted that the site is located within a Tier II catchment area (Piscataway Creek), as designated by the Maryland Department of the Environment. Tier II streams are high-quality stream segments that have an existing water quality that is significantly better than the minimum water quality standards. As part of the State's antidegradation requirements, the applicant may be required by the Soil

Conservation District to provide expanded stream buffers and/or enhanced protection measures as part of the erosion and sediment control design.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated August 19, 2019 (Zyla to Hurlbutt), incorporated herein by reference, DPR provided comments summarized, as follows:

Per Section 24-134(a) of the Subdivision Regulations, at the time of PPS, the residential portion of this subject property will be subject to the mandatory dedication of approximately 1.34 acres of parkland. The applicant has proposed to provide private recreational facilities. Given the proposed limited green space areas interspersed within the residential portions of the proposed development, and the high need for recreational facilities in the surrounding community, the applicant should consider allocating more area for private recreational facilities on-site. In addition, at the time of PPS, the applicant should dedicate a 0.25 acre triangular-shaped piece of property adjacent to Small Drive. This acquisition will provide public frontage onto Small Drive for vehicular access into the adjacent M-NCPPC park property, as well as provide a future trail connection into Cosca Regional Park.

DPR has determined that private on-site recreational facilities are appropriate for the residential portion of this development. The applicant provided conceptual information on proposed private recreational facilities that will be constructed with the development and available to the residents. At the time of PPS, the applicant should provide private on-site recreational facilities, as well as convey a small portion of property to meet the mandatory dedication of parkland requirement. These two items will help serve the recreational needs of the residents within this proposed community. The final location and list of recreational amenities will be reviewed at the time of DSP review and approval.

DPR's suggested conditions, relative to the private recreational facilities, will be further reviewed and determined at the time of PPS and DSP.

- h. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 25, 2019 (Giles to Hurlbutt), incorporated herein by reference, DPIE offered numerous comments that were provided to the applicant and will be addressed in their separate permitting process. They also indicated that the property is adjacent to dead end roads, Small Drive and Gwynndale Drive, and should connect to these roadways.
- j. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.

- k. **Prince George’s County Health Department**—The Health Department did not offer comments on the subject application.
  - l. **Maryland State Highway Administration (SHA)**—SHA did not offer comments on the subject application.
11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
12. As required by Section 27-276(b)(4) for approval of a CSP, based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible; however, these impacts shall be reduced to the extent practicable and re-evaluated in greater detail at the time of PPS.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-006-2019, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Conceptual Site Plan CSP-18005 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
  - a. Clearly label all bearings and distances for the subject Parcel 83 on all sheets of the CSP.
  - b. Revise Sheet 3 of the CSP to clearly mark the property boundaries of Parcel 83 only, consistent with the boundaries shown on the other sheets of the CSP.
  - c. Revise General Note 20 to state that mandatory park dedication will be determined at the time of preliminary plan of subdivision.
  - d. The Type 1 tree conservation plan (TCP1) shall be revised, as follows:
    - (1) Add “TCP1-006-2019” to the approval block and to the worksheet.
    - (2) Ensure all woodland conservation areas meet the minimum requirements to be counted as credits.
    - (3) Have the revised plan signed and dated by the qualified professional preparing the plan.
  - e. Revise the CSP to show potential access arrows connecting to Gwynndale Drive and

Small Drive.

- f. Revise the legend on the CSP cover sheet to remove "...and/or two-family attached."
2. Prior to issuance of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance:
- a. The following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency (with improvements designed, as deemed necessary, to accommodate bicycles and pedestrians):

MD 223 at Brandywine Road/Old Branch Avenue:

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

If the above-listed improvements are to be provided pursuant to the "Brandywine Road and MD 223 Intersection" project in the current Prince George's County Capital Improvement Program, the applicant shall, in cooperation with the Prince George's County Department of Permitting, Inspections and Enforcement and/or the Prince George's County Department of Public Works and Transportation, demonstrate the construction and/or financial participation. This information shall be supplied to the Transportation Planning Section at the time of preliminary plan of subdivision.

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 Doerner, seconded by Commissioner Geraldo, with Commissioners Doerner, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, September 19, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of October 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:JH:gh