

Case No.: CDP-1001

Applicant: Zimmer Development Company

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF REMAND

IT IS HEREBY ORDERED, that application No. CDP-1001, a comprehensive design plan for a 9,275- square-foot freestanding pharmacy, and a 13,013-square-foot retail building, for property referred to as the Edwards property, described as approximately 4.14 acres in the L-A-C Zone, located in the northwestern quadrant of the intersection of Riggs Road (MD 212) and Adelphi Road, on the eastern side of Edwards Way, Adelphi, is:

REMANDED to the Planning Board, to reconsider its decision and take further evidence or action as to the following issues:

A. In the record and at the oral argument, opposition parties raised considerable objection, much of it well founded, as to the applicant's desire to completely clear the tree canopy, including about 24 specimen trees, from the subject property. When this property was placed in the L-A-C Zone in 2004, the District Council anticipated that a community center facility open to the public would be a part of the commercial complex to be built there. But under present circumstances, it appears that no such facility is planned. If that is so, and if no public facilities will be built, then the applicant and staff, and ultimately the Planning Board, must consider whether the lack of public benefit and the complete destruction of the present natural tree canopy can be mitigated through amenities benefiting the surrounding community.

B. As to the clearing of trees and afforestation, the applicant and staff should determine whether replacement trees can be located nearby and other voluntary restrictions, such as larger afforestation acreage or close location to residential areas, can serve to mitigate further the loss of the existing tree canopy and pervious surfaces. In doing so, the Planning Board shall:

1. Reexamine the deforestation plan with a goal of preserving any specimen trees that have at least a 50 percent chance of survival given the disturbance associated with the primary management area. Save as many mature trees as possible, particularly in and around the 100-year floodplain.
2. Wherever possible, drought resistant native perennial and annual ornamental and flowering plants shall augment the offerings of the landscape plan, including parking lot islands. Revise landscape plans to indicate the use of native perennial and annual flowering plants.
3. Specify a nearby site for tree mitigation within the Anacostia River Watershed, particularly in and around property in the 100-year floodplain.

C. The record reflects, and residents on Edwards Way pointed out, that although there will be no direct access to and from Edwards and the subject property, traffic patterns around the property will inevitably increase traffic on Edwards, particularly during the morning and evening peak hours, after development of the subject tract as shown in this application. In addition, the present difficulties Edwards Way residents have, to get on and off the roadway, will be exacerbated by traffic generated by the proposed development. The applicant and staff should determine whether access for Edwards Way residents can be improved, to compensate for the increases in traffic to and from the subject property. In doing so, the Planning Board shall:

1. Explain traffic impacts on close by residents of Districts 2 and 3, particularly ingress and egress for communities with entrances along Edwards Way, Riggs and Adelphi roads.

2. Investigate additional measures to increase the safety of pedestrians and transit users, including improvement of bus shelters on the opposite sides of Edwards Way and Riggs and Adelphi roads.
3. Investigate the implications of multiple drive-through facilities on the property.

D. Any area residents or other interested persons who have not registered as persons of record should be allowed to do so, on remand.

E. The Planning Board on remand of CDP-1001 shall reconsider its decision in light of the above stated reasons within 90 days of the adoption of this order.

Ordered this 14th day of November, 2011, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson,
Toles and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

By: _____
Ingrid M. Turner, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council