



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2023-35

File No. 4-21035

## R E S O L U T I O N

WHEREAS, MD Clinton Woodyard, LLC is the owner of a 1.11-acre parcel of land known as Lots 4, 5, and 6, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Commercial, General, and Office (CGO). The entire property is also subject to the Military Installation Overlay (MIO) Zone for height.; and

WHEREAS, on December 14, 2022, MD Clinton Woodyard, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-21035 for MD Clinton Woodyard 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 March 30, 2023; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on March 30, 2023, 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 4-21035, including a Variation from Section 24-121(a)(3), for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised, as follows:
  - a. Revise General Note 33 to state that the site is adjacent to an easement held by the Maryland Historical Trust recorded in Liber 4483 folio 387.

- b. Show the location of the Maryland Historical Trust easement (recorded in Liber 4483 folio 387) on the plan drawing.
    - c. Revise General Note 2 to show the correct name, address, and contact information for the applicant.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 505-2022-0, once approved, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
  - a. The granting of a public utility easement along the public right-of-way.
  - b. Dedication of public right-of-way, in accordance with the approved preliminary plan of subdivision.
  - c. A note reflecting the granting of a variation, with the preliminary plan of subdivision, from Section 24-121(a)(3) of the Prince George's County Subdivision Regulations, to allow one direct access driveway to MD 223 (Woodyard Road).
4. Prior to approval of a building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide and show the following facilities on the permit plans for the development, subject to modification by the operating agency with written correspondence:
  - a. A marked on-road bicycle lane along the subject property's frontage of MD 223 (Woodyard Road).
  - b. A 10-foot-wide pedestrian/bike path along the subject property's frontage of MD 223 (Woodyard Road).
5. At the time the building permit is reviewed by The Maryland National-Capital Park and Planning Commission, Historic Preservation Section staff shall ensure that the permit application materials are consistent with the lighting, architecture, and landscape exhibits that were provided by the applicant to the Historic Preservation Commission (HPC), at the time of preliminary plan of subdivision review. The building permit shall not be approved until the architecture, lighting, and landscaping have been reviewed and approved by the HPC, as delegated to staff.

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 with conditions, 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 property is located on the south side of MD 223 (Woodyard Road), approximately 330 feet east of the intersection of MD 381 (Brandywine Road) and MD 223. The property is recorded in the Prince George’s County Land Records as Lots 4, 5, and 6, Block E, of Clinton Gardens in Plat Book BB 6 page 16. It is noted that parts of Lots 4 and 5 were dedicated to the public right-of-way (ROW), subsequent to the plat recording; however, such conveyances are exempt from preliminary plan of subdivision (PPS) and final plat. The property measures 1.11 gross acres and is in the Commercial, General, and Office (CGO) Zone. The entire property is also subject to the Military Installation Overlay (MIO) Zone for height. However, this PPS was submitted for review under the prior Prince George’s County Zoning Ordinance and Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. Under the prior Zoning Ordinance, the property is subject to the standards of the Commercial Shopping Center (C-S-C) Zone and the Military Installation Overlay (M-I-O) Zone, which applied to this property prior to April 1, 2022. The property is within the area subject to the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (sector plan).

The subject PPS is for resubdivision of the property into one parcel for 6,837 square feet of commercial development. The property is currently vacant, and there are no previous PPS which apply to the property. A PPS is required, pursuant to Section 24-111(c) of the prior Subdivision Regulations, because the property was platted prior to October 27, 1970, and proposed development consists of more than 5,000 square feet of nonresidential gross floor area. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2022-078.

The applicant filed a request for a variation from Section 24-121(a)(3) of the prior Subdivision Regulations, in order to allow one direct access driveway to MD 223, an arterial roadway. Section 24-121(a)(3) requires that, when lots are adjacent to an arterial street, they be designed to front on an internal street or service road. The request is discussed further in the Transportation finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 116 in Grid C-3 and is within Planning Area 81A. MD 223 abuts the property to the north. Similar to the subject property, properties to the east, west, and north beyond MD 223 are within the CGO Zone and were formerly zoned C-S-C. These properties are developed with a mix of commercial, industrial, and institutional uses. South and southeast of the property are single-family detached dwellings in the Residential Single Family – 95 (RSF-95) Zone, which were formerly within the One-Family Detached (R-80) Zone. The Mary Surratt House historic site abuts the property to the southwest; this property is also in the RSF-95 Zone and was formerly zoned R-80. The site and its surroundings are all in the MIO Zone for height.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zones	CGO/MIO	CGO/MIO (Reviewed per prior C-S-C and M-I-O standards)
Use(s)	Vacant	Commercial
Acreage	1.11	1.11
Parcels	0	1
Lots	3	0
Dwelling Units	0	0
Commercial GFA	0	6,837 sq. ft.
Variance	No	No
Variation	No	Yes (Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on January 6, 2023. The variation from Section 24-121(a)(3) was accepted on December 14, 2022, alongside the PPS, and was also heard at the SDRC meeting on January 6, 2023, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—There are no previous approvals applying to this site.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan is evaluated, as follows:

#### **Plan 2035**

This application is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development (page 20).

#### **Sector Plan/Zoning**

The sector plan recommends the property to be within the Clinton Commercial Core Focus Area and a residential medium high land use on the subject property (Map 35).

The 2009 *Preliminary Subregion 5 Master Plan and Sectional Map Amendment* recommended that the sector plan be prepared for the Clinton commercial area at Woodyard Road and MD 5 (Branch Avenue) to create an identity for the area referred to as Downtown Clinton. The Clinton commercial core was identified as a focus area because of recent changes in the area, including new construction adjacent to a declining strip commercial center coupled with the opportunity to plan for a future transit stop (page 54). The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) does not supersede the sector plan.

Though the sector plan recommends a residential medium high land use, residential zoning has not been implemented by a sectional map amendment. The property therefore retained its C-S-C zoning at the time of the sector plan. On November 29, 2021, the Prince George's County District Council approved Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the C-S-C Zone to the CGO Zone, effective April 1, 2022.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application is not required to conform to the sector plan future land use designation, since the District Council has not imposed the recommended zoning.

**Aviation/Military Installation Overlay Zone**

This development is subject to the regulations of the M-I-O Zone. Pursuant to Section 27-548.54(e)(2)(D), Requirements for Height, of the prior Zoning Ordinance, all proposed structures must comply with the requirements for height for properties located in the Conical Surface (20:1) – Left Runway, Area Label E. Conformance with this requirement will be evaluated at the time of permit.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Letter (505-2022-0) and plan was submitted with this application. The SWM concept plan shows usage of three micro-bioretenment facilities, permeable pavement, and an underground detention basin. No further information is required, at this time, regarding SWM with this PPS.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the Subdivision Regulations.

8. **Parks and Recreation**—This application was reviewed for conformance with the requirements and recommendations of the sector plan; the Land Preservation, Parks, and Recreational Program for Prince George's County; Plan 2035; and the *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as they pertain to public parks and recreation.

The southwestern corner of the property adjoins the Mary Surratt House historic site, which is owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and operated by the Prince George's County Department of Parks and Recreation (DPR) as a public museum. The subject property was once part of the Surratt farm in the 19th century.

The subject site provides a unique opportunity to expand the Surratt House Museum site and provide visibility of the museum on MD 223. Page 40 of the sector plan, Area Needs and Opportunities, cite the acquisition of land surrounding the Surratt House Museum site as an opportunity to increase tourism to foster the ongoing revitalization of Clinton. DPR staff proffered to discuss the purchase of the property with the applicant to advance ongoing

stewardship and interpretation of the Surratt House and its historical setting. However, at this time, the applicant has declined to sell the property.

This application is exempt from Section 24-134, Mandatory dedication of parkland, of the Subdivision Regulations, because it is for nonresidential development.

9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and the Subdivision Regulations to provide the appropriate transportation facilities.

## **SECTOR PLAN CONFORMANCE**

### **Master Plan Right of Way**

The property has frontage along master-planned roadway MD 223 (Woodyard Road), which is designated in the MPOT and sector plan as an arterial road (A-54) with 120 feet of ROW. The latest PPS submission shows dedication of an additional 2,662 square feet of ROW to facilitate a total of 60 feet of public ROW from the centerline of MD 223, along the property's frontage. The sector plan also recommends creation of a new 60-foot primary residential street (P-508), which would impact the eastern boundary of the subject property.

Specifically, 15 feet of the ultimate ROW of P-508 would come from the eastern side of the subject property, in order to align with the portion of P-508 (Clinton Street), north of MD 223. The sector plan shows P-508 extending south from MD 223 to the southeast corner of the subject property, where it joins another master-planned primary street known as P-507, which extends eastward from this point to Pine View Lane and Woody Terrace. So far, no ROW has been dedicated that would allow for development of P-508 or P-507, and a prior PPS (4-13014) for a property along P-507 determined not to place ROW from its property in reservation.

### **Reservation**

Pursuant to Section 24-139 of the Subdivision Regulations, a reservation request for a 15-foot portion of P-508 was referred by a January 13, 2023, letter to the Prince George's County Department of Permitting, Inspection and Enforcement (DPIE), as well as the Prince George's County Department of Public Works and Transportation (DPW&T) for comments. The letter requested a written response from the agencies by February 13, 2023. No written response from either agency was received. Pursuant to Section 24-139 and typically when a public agency is in support of reservation, the Planning Board would establish reservation by resolution. However, since neither public agency has expressed any interest in acquiring the P-508 ROW from this property, reservation is not required for this PPS.

### **Master Plan Pedestrian and Bicycle Facilities**

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

**Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

As previously mentioned, the subject PPS includes dedication of additional ROW along MD 223, which is sufficient in facilitating the referenced MPOT policies related to pedestrian and bicycle connectivity along the property's frontage. In addition, the sector plan recommends on-road bicycle lanes and 10-foot-wide pedestrian/bike paths along MD 223 (page 124). As a condition of approval, the frontage shall be improved with these facilities, consistent with the master plan recommendations and policies.

## **TRANSPORTATION REVIEW**

### **Variation from Section 24-121(a)(3)**

A variation for access to the subject site via MD 223 was submitted and was reviewed as part of the PPS application. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. Instead, the project includes a direct access driveway to MD 223.

Pursuant to Section 24-113, the below listed criteria must be met for the variation to be approved. The criteria, with comments on how the criteria are met, are noted below:

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

The driveway access will be required to be constructed, in accordance with Maryland State Highway Administration (SHA) standards and guidelines, in order to provide safe ingress and egress to the development. In addition, the subject property was previously improved with two single-family detached dwellings (which have been razed), and each of these dwellings had their own direct access to MD 223. Approval of the development would consolidate the access points, thereby, not further impeding the flow of traffic along MD 223. For these reasons, the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property and, therefore, this criterion is met.

**(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;**

The conditions on which the variation is based include that the property's sole frontage is on an arterial road and there are no other roads which the property could access. This situation is not totally unique, in that there are other properties east of the site, along MD 223, that also have sole frontage on the arterial road. However, these properties are together in a unique situation because the sector plan's proposed solution to the problem of their sole arterial frontage, the development of new primary roadways P-507 and P-508, has not been implemented. This is a unique situation to this area, not generally applicable to other properties situated along arterials throughout the County. Access to the subject site could be provided on future primary street P-508, if it were to be built; however, DPIE and DPW&T have not expressed any interest in reserving the necessary ROW for the street with this PPS and, in order for the street to be built, the majority of the ROW would also have to be acquired from the abutting property to the east. It appears unlikely that P-508 will be built at a future time because it is intended to connect to P-507, and DPIE and DPW&T also previously determined they could not reserve ROW for P-507, at the time of prior PPS approval 4-13014. In addition, P-507 and P-508 are intended to be primary residential streets and, while most of their abutting properties (including the subject site) are recommended for residential land use in the sector plan, the properties along MD 223 remain commercially zoned. Whether P-507 and P-508 are eventually developed or not, at the time of this development, the applicant's sole option for providing access is by way of a driveway to MD 223, a problem created by the unique situation of the sector plan's transportation recommendations not yet being implemented which must largely be accomplished off-site. Therefore, this criterion is found to be met.

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

The applicant will be required to obtain an SHA access permit, in order to connect the direct access driveway to MD 223. No other known applicable laws, ordinances, or regulations which will be violated with the approval of this variation, and the Planning Board's approval of a variation does not preclude final design and permitting approvals that may be required by SHA. Therefore, this criterion is met.

**(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;**

The physical surroundings of the property are such that direct access cannot be provided from any existing public street, other than MD 223, and the property is too small to support a new internal street or service road. A new public street frontage cannot be provided, without acquiring ROW from the adjacent property to the east. Therefore, a particular hardship to the owner would result, if the strict letter of the regulations were carried out and all direct access to MD 223 were denied, because it would render the site undevelopable. Therefore, this criterion is found to be met.



- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily 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 subject to review under the prior C-S-C Zone and, therefore, this criterion is not applicable.

The Planning Board finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Pursuant to Section 24-113(a), the Planning Board may approve a variation when it finds that extraordinary hardship or practical difficulties may result from strict compliance with the Subdivision Regulations, and/or when it finds that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal, provided that the variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. The Planning Board finds that, because the site plan demonstrates adequate access for residents, visitors, and emergency services, the applicant would indeed encounter a practical difficulty if strict compliance with the Subdivision Regulations were required, as no alternative access is practical. The Planning Board further finds that approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations to provide the most beneficial relationship between the subdivision of land and the circulation of traffic, given that a more beneficial relationship cannot be implemented at this time, without additional streets being built off-site. Therefore, the variation is approved.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the findings required of Subtitle 24 of the Prince George's County Code, and conform to the sector plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains a list of public facilities which must be acquired or constructed, in order to carry out the objectives and requirements of the sector plan (Appendix A, pages 147–152). Public facilities from this list, which affect the subject site, include improvements to MD 223 and expansion of the Mary Surratt House site; these are addressed in the Transportation and Historic findings of this resolution, respectively.

The sector plan does not include a list of general recommendations related to public facilities, but it states that it reaffirms public facilities recommendations in previously approved master plans and sector plans, including the 1993 *Subregion 5 Master Plan and Sectional Map Amendment*. That plan has since been superseded by the 2013 *Subregion 5 Master Plan and SMA*, which contains a Public Facilities chapter (page 129) that establishes the following overall goals:

- **Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population.**

- **Schools operate at 100 percent of capacity or less to provide an effective, quality learning environment.**
- **Priority is given to funding public facilities to support development in the Developing Tier policy area.**
- **All new public facilities are constructed to LEED (Leadership in Energy Efficiency and Design) standards or the equivalent and existing buildings will be retrofitted to make them energy efficient.**

There are policies established for the following areas in the Public Facilities chapter of the Subregion 5 Master Plan: schools, libraries, public safety, parks and recreation, solid waste management/recycling, and water and sewer. The development will not impede achievement of any of the above-referenced goals or policies. The analysis completed with Certificate of Adequacy ADQ-2022-078 shows that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the development. Although not part of this analysis, the 2021 *Update of the Pupil Yield Factors and Public School Clusters* shows that Cluster 6 is operating below 100 percent capacity.

There are no police, fire and emergency medical service facilities, public schools, or libraries proposed on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site.

Section 24-122.01(b)(1) of the prior 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 plan or final plat approval.” The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public utility company, the subdivider shall 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 standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROW. The subject site fronts on the public ROW of MD 223. The PPS shows a PUE along this public ROW, as required.

12. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject application at its February 21, 2023, meeting. The HPC voted 5-0-1 (the Chair voted “present”) to recommend to the Planning Board approval of the subject application, with one condition which is included in the conditions of approval of this resolution.

The southwestern corner of the subject property adjoins the Mary Surratt House, Historic Site (81A-007). The subject property was once part of the Surratt farm in the 19th century. Built in 1852, the Mary Surratt House is a two-story, side gabled frame dwelling with a post office and tavern room; it was built as a residence, tavern, polling place, and post office operated by John H. Surratt. His widow, Mary Surratt, was implicated in the Lincoln assassination by her acquaintance with John Wilkes Booth and hanged for conspiracy. The house, now owned by M-NCPPC and open to the public as a museum, is also protected by a preservation easement held by the Maryland Historical Trust (recorded in Liber 4483 folio 387).

The subject property is in the Clinton Commercial Core Area, as described in the sector plan. The land use recommendation for the area around the Mary Surratt House is to designate the southeast corner of MD 381 and MD 223 as open space, in order to encompass the Mary Surratt House and the adjacent property fronting MD 223. The open space land use recommendation stops short of the subject property, which was recommended for residential medium high land use (pages 95-97). The District Council never adopted a sectional map amendment to implement zoning which conformed to the land use recommendations, and so the subject property’s current zoning is CGO.

The subject PPS is for the consolidation of three lots into one parcel, for 6,837 square feet of commercial development. According to the information presented to the HPC, an auto parts store is proposed. The store will be oriented towards the front of the proposed parcel (north), with parking on the north and east sides of the building. The applicant’s lighting plan indicates that there will be no impact from the proposed lighting fixtures on the Mary Surratt House historic site. A bioretention facility is proposed at the rear of the property, and no lighting is proposed in the area adjacent to the Mary Surratt House historic site environmental setting.

The architectural plan presented to the HPC indicates that the exterior of the building will be clad with brown velour and dove velour Acme brick with natural gray mortar. A projecting entry feature clad in a red stucco-like material is proposed, with custom signage affixed over the entry. A standing seam metal roof is proposed, and cap flashing will be installed with the exterior insulation finish system.

The landscape plan presented to the HPC provides for 18 Nellie R. Stevens Holly and 4 Bald cypress trees along the edges of the bioretention pond, on the south and southwest property lines. Seventeen Conoy Viburnum trees are proposed along the western property line.

The subject property is located in the Clinton Gardens Subdivision, which was platted on October 27, 1937. The property was previously developed with two suburban residences that were constructed in 1936 and 1937. Both houses were assessed in 2003 to determine eligibility

for listing in the National Register of Historic Places and were determined to be ineligible. The house formerly located at 9022 Woodyard Road was recorded on Maryland Historical Trust Determination of Eligibility form DOE-PR-0020; it is described as a two-story, three-bay, side-gabled Colonial Revival-style brick dwelling with a one-story front entrance porch and one end chimney. Tax records indicate the house was constructed in 1936. The house formerly located at 9024 Woodyard Road (DOE-PR-0021) is described as a two-story, three-bay, side-gabled frame dwelling with a one-story front full-width porch and central interior chimney. Tax records indicate the house was constructed in 1937. Both houses were demolished between 2011 and 2013. Portions of the concrete foundations of the houses remain on the site. There is a one-story corrugated metal warehouse structure located on the adjoining property to the west, between the subject property and the Surratt House.

Phase I archeology investigations were conducted on the subject property on February 7, 2023. A shovel test pit (STP) survey was conducted across the property at 15-meter intervals. A total of 21 STPs were excavated across the site. Remnants of the concrete foundations of the 1930s houses, located at 9022 and 9024 Woodyard Road, were noted on the property. Within the southern half of the project area, a third stratum containing occasional coal pieces and some brick flecks was encountered. This stratum was interpreted as an earlier buried plow zone associated with the 20th century use of the rear yards of the two houses as garden areas.

No significant archeological resources were identified in the STP survey. No diagnostic pre-20th century material culture or pre-contact Native American artifacts were recovered. Finds consisted of one wire nail and one small fragment of clear container glass. All material culture and surface features were associated with the 20th century occupation of the site. No further archeological investigations are recommended on the property.

The sector plan contains goals and policies related to historic preservation (pages 132-134). The sector plan notes that the Mary Surratt House “is tightly constrained by incompatible development to the north and west. These uses do not contribute to ‘downtown’ Clinton and they detract significantly from the Mary Surratt House setting. These parcels should be secured in the future so that the Mary Surratt House campus can be restored to a semblance of its early appearance.” Though the subject property, which lies to the northeast and is undeveloped, is not specifically referred to in this recommendation, DPR nevertheless extended an offer to the applicant to purchase the subject property, for the purpose of expanding the Mary Surratt site. This offer was declined.

The applicant has sited the building on the property so that the west side and rear of the building will face the historic site. The neutral colors on the west and south sides of the building will lessen the visual impact of the architecture on the historic site. All parking will be in front of and on the far side of the building (north and east), and placement of the building on the property will shield the parking areas from the historic site. The bioretention area, at the rear of the property, and the proposed landscaping will provide additional green space and screening of the building. Full cut-off lighting is proposed only on the north and east sides of the building and should not be visible from the historic site.

A detailed site plan (DSP) is not required for development of this site. Therefore, review of the final architecture, materials, and lighting should take place at the time the associated building permit is reviewed.

13. **Environmental**—The subject PPS was received on December 14, 2022. Environmental comments were provided at the SDRC meeting on January 6, 2023. Revised information was received on February 17, 2023.

The following applications and associated plans for the subject site, applicable to this case, were previously reviewed:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-053-2022	N/A	Staff	Approved	5/11/2022	N/A
4-21035	S-047-2022	Planning Board	Approved	3/20/2023	2023-35

### **Grandfathering**

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 of the County Code because the application is for a new PPS.

## **CONFORMANCE WITH APPLICABLE PLANS**

### **Sector Plan**

The subject application was evaluated for conformance to the sector plan and was found to be consistent with the environmental recommendations of the plan (pages 128–129), due to its lack of regulated environmental features (REF) on-site, its exemption from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), and its obligation to meet SWM requirements. According to information presented to the HPC, full cut-off lighting is also proposed for the site.

### **Green Infrastructure Plan**

According to the *Countywide Green Infrastructure Plan* of the *Approved Prince George’s County Resource Conservation Plan* (May 2017), the property is not within designated regulated or evaluation areas. There are no mapped REF on-site. The design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035.

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory**

A Natural Resources Inventory (NRI-053-2022) plan was approved on May 11, 2022, and is provided with this application. This site is not associated with any REF, such as streams, wetlands, or associated buffers. Three specimen trees are associated with this site. However, since the property is exempt from the WCO, a variance is not required for the removal of specimen trees. The PPS shows all the required information correctly, in conformance with the NRI. No additional information is required for conformance to the NRI.

### **Woodland Conservation**

This property qualified for a standard letter of exemption from the WCO because the property contains less than 10,000 square feet of existing woodland. Woodland Conservation Exemption Letter S-047-2022 was submitted with the PPS.

### **Regulated Environmental Features**

No REF were found on the subject property.

### **Soils**

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Beltsville-Urban Land and Urban Land – Beltsville Complexes. Marlboro clay and Christiana complexes are not found on or near this property.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the sector plan, and the relevant environmental requirements of Subtitles 24 and 25.

14. **Urban Design**—The development will not be subject to DSP review.

### **Conformance with the Requirements of the Prince George’s County Zoning Ordinance**

A vehicle parts or tire store without installation facilities is permitted by-right in the prior C-S-C Zone. The regulations and requirements of the prior Zoning Ordinance, regarding landscaping, screening, buffering, fencing, and building setbacks, apply to development in the C-S-C Zone. The development will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance, at the time of building permit review including, but not limited to, the following:

- Section 27-447 requirements for fences and walls in commercial zones
- Section 27-454 requirements for the C-S-C Zone, as applicable
- Part 11 Off-Street Parking and Loading
- Part 12 Signs

One loading space will be required, based on the current proposal, and it must be located 50 feet from the abutting residentially zoned property (to the south), or a departure will be required.

The property is located in the M-I-O Zone for height, with Area Label “E” (Conical Surface (20:1) – Left Runway). At the time of building permit review, the applicant should provide the M-I-O Zone height calculations to demonstrate conformance with Section 27-548.54(e)(2)(D).

### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties in the prior C-S-C Zone are required to provide a minimum of ten percent of the gross tract area,

which equals to approximately 0.105 acre for this property, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of permitting.

**Conformance with the Requirements of the Prince George's County Landscape Manual**

Pursuant to Section 27-124.03 of the prior Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

Conformance with the following requirements of the Landscape Manual will be reviewed at the time of permitting: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

MD 223 is a designated historic road requiring a Section 4.6 landscape buffer along the frontage (a minimum 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings). All plant material required by this section shall be located outside of PUEs adjacent to the ROW.

Incompatible uses are located to the south (single-family detached residential) and west (warehouse) which require a Section 4.7 bufferyard, in accordance with the Landscape Manual. A Type C buffer will be required along the southern property line, and a Type B buffer will be required along the western property line.

The property abuts the Mary Surratt House historic site on its southwest corner. The subject property will need to conform to Section 4.7(c)(7)(B) of the Landscape Manual and provide a Type E buffer along the entire shared property line.


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.

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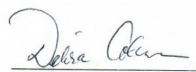
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Doerner absent at its regular meeting held on Thursday, March 30, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:EDC:jah

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel  
Dated 4/18/23