



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

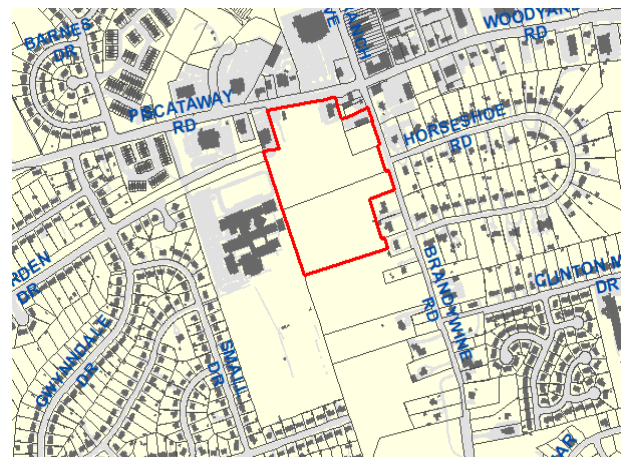
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## Preliminary Plan of Subdivision Clinton Market Place North

4-19006

REQUEST	STAFF RECOMMENDATION
This application was continued from the May 13, 2021 Planning Board hearing.  136 lots and 48 parcels for development of 136 single-family attached dwellings, 96 two-family attached units, and 19,178 square feet of commercial development.	DISAPPROVAL
Variation request from Section 24-121(a)(3)	DISAPPROVAL
Variation request from Section 24-128(b)(7)	DISAPPROVAL

<b>Location:</b> In the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road.	
Gross Acreage:	21.27 acres
Zone:	M-X-T/M-I-O
Gross Floor Area:	19,178 sq. ft.
Dwelling Units:	232
Lots:	136
Parcels:	48
Planning Area:	81A
Council District:	09
Election District:	09
Municipality:	N/A
200-Scale Base Map:	212SE06
<b>Applicant/Address:</b> Piscataway Clinton LLC, 10100 Business Parkway Lanham, MD 20706	
<b>Staff Reviewer:</b> Antoine Heath <b>Phone Number:</b> 301-952-3554 <b>Email:</b> Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	06/17/2021
Planning Board Action Limit:	07/27/2021
Mandatory Action Timeframe:	140 days
Staff Report Date:	06/03/2021
Date Accepted:	03/09/2021
Informational Mailing:	01/03/2020
Acceptance Mailing:	03/01/2021
Sign Posting Deadline:	04/13/2021

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-19006  
Type 1 Tree Conservation Plan TCP1-002-2019-01  
Clinton Market Place North

**OVERVIEW**

The subject property is located in the southwest quadrant of the intersection of MD 223 (Piscataway Road) and Brandywine Road. The property consists of 21.27 acres and is currently comprised of 1 lot (Lot 2) and 3 parcels. Parcels 226, 85, and 59 are recorded in Liber 38672 at folio 96, Liber 42333 at folio 336, and Liber 36392 at folio 599, respectively. Lot 2 is recorded in Plat Book NLP 106, page 20. The site is within the Mixed Use-Transportation Oriented (M-X-T) Zone, and the northeast corner of the site is located within the Military Installation Overlay (M-I-O) Zone for height. The site is subject to the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Sector Plan). This preliminary plan of subdivision (PPS) includes 136 lots and 48 parcels for 136 single-family attached dwellings, 96 two-family attached dwellings, and 19,178 square feet of commercial development, 3,178 square feet of which can be attributed to the existing BB&T Bank and the subject site. The proposed development is subject to a PPS, in accordance with Section 24-107 of the Prince George's County Subdivision Regulations.

Section 24-121(a)(3) of the Subdivision Regulations requires that lots proposed on land, adjacent to an existing or planned roadway of arterial or higher classification, shall be designed to front on either an interior street or a service road. The applicant requests approval of a variation from Section 24-121(a)(3), as three points of access into the subdivision are being proposed from MD 223, which is a master plan arterial roadway. The variation is discussed further in this report.

Section 24-128(b)(7)(A) of the Subdivision Regulations requires that single-family attached dwellings served by alleys have frontage on a public right-of-way. The applicant has requested a variation from this requirement for 118 of the 136 lots proposed on-site. These lots are provided vehicular access from alleys, but do not have frontage on a public right-of-way. The variation is discussed further in this report.

Staff recommends **DISAPPROVAL** of the PPS and the associated variations based on the findings contained in this technical staff report.

**SETTING**

The property is located on Tax Map 116 in Grids C3 and C4 and is in Planning Area 81A. The site is primarily vacant, however there is an existing bank back in the northeast corner of the site accessing MD 223, which is to remain, and an existing office building in the northeast corner of the site accessing Brandywine Road, which is to be removed. There was also a shed/storage structure

in the northwest portion of the site, which has been removed. The abutting properties to the east and south are also within the M-X-T Zone and consist of single-family detached dwellings to the east and open vacant space to the south. The properties beyond Brandywine Road to the east are located in both the Commercial Shopping Center (C-S-C) and One-Family Detached Residential (R-80) Zones and consist of Surratt's House Historic Site (Mary Surrat House), as well as single-family detached dwellings. The abutting properties to the west consist of commercial development in the C-S-C Zone, and Surrattsville High School, which is located in the R-80 Zone. The properties beyond MD 223, to the north of the subject site, consist of commercial development located within the C-S-C Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Commercial, Office, Parks and Open Space	Single-Family, Two-Family, Commercial
Acreage	21.27	21.27
Lots	1	136
Parcels	3	48
Dwelling Units	N/A	232
Gross Floor Area	16,730	19,178
Variance	No	No
Variation	No	Yes 24-121(a)(3) 24-128(b)(7)(A)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case, as well as the applicant's variation requests from Section 24-121(a)(3) and Section 24-128(b)(7)(A) were heard at the Subdivision and Development Review Committee meeting on April 2, 2021.

- 2. Previous Approvals**—The site has a previously approved PPS 4-78245, which was approved by the Prince George's County Planning Board on January 11, 1979 for one lot, fronting MD 223 and Brandywine Road. This lot is existing Lot 2 of the subject PPS. The prior PPS 4-78245 would be superseded by the subject application, should it be approved.

Conceptual Site Plan CSP-18004 was approved by the Planning Board (PGCPB Resolution No. 19-62(C)) on May 16, 2019 for 100–200 single-family attached dwellings, 40–100 two-family attached dwellings, and 35,000–70,000 square feet of commercial retail for the subject site. Those conditions pertinent to the review of this PPS are discussed in this staff report.

- 3. Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Central Branch Avenue Sector Plan are evaluated, as follows:

## **Plan 2035**

The application is in the Established Communities Growth Policy area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

## **Sector Plan Land Use Recommendations**

The Central Branch Avenue Sector Plan recommends residential mixed use for the subject property (page 97), and medium-high density residential (8 to 20 dwelling units per acre) on the subject property (page 95). It also recommends open space use for a portion of the site, more specifically the existing Parcel 85.

## **Zoning**

This subject property is located within the M-I-O Zone in the Area Label E, Conical Surface (20:1)-Left Runway. Pursuant to Section 27-548.54(e)(2)(D) of the Prince George's County Zoning Ordinance, the applicant must conform to the maximum height requirements, which will be further reviewed at the time of detailed site plan (DSP). The subject property was rezoned by the Prince George's County District Council's approval of Council Resolution (CR-13-2018) via an amendment to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). Properties in the southwest quadrant of the intersection of MD 223 and Brandywine Road were rezoned from the C-S-C, Commercial Office, and R-80 Zones to the M-X-T Zone.

Pursuant to Section 24-121(a)(5), staff finds that this application conforms to the Central Branch Avenue Sector Plan based on the land use proposed and the findings of conformance presented throughout this technical staff report, with the recommended conditions.

4. **Stormwater Management**—Initially, an approved Stormwater Management (SWM) Concept Plan and letter (17615-2014) was submitted with the pre-application process in 2020. This concept was for the commercial portion of the site fronting on MD 223. A SWM fee of \$32,500.00 for on-site attenuation/quality control measures was required. In 2019, the portion of the site fronting MD 223 was cleared of woodlands and graded as part of a grading permit. During the acceptance of PPS 4-19006, this SWM concept expired on December 7, 2020. The applicant submitted an unapproved SWM Concept Plan (38561-2018-00), which shows the entire project area including the rear residential portion of the application area. The plan proposes to construct 2 grass swales, 14 micro-bioretenention ponds, rooftop discharge systems, and 1 submerged gravel wetland structure as their best management practices devices. Currently, this Concept Plan (38561-2018-00) is in review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The unapproved concept plan is consistent with the PPS.

Submittal of an approved SWM concept plan and approval letter will be required, prior to signature approval of the PPS. In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the approved SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

5. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of CSP-18004, the Central Branch Avenue Sector Plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and the 2013 *Formula*

*2040: Functional Master Plan for Parks, Recreation and Open Space*, as policies in these documents pertain to public parks and recreational facilities.

Cosca Regional Park is approximately 3.5 miles southwest of this site. The park contains playgrounds, athletic fields, indoor and outdoor tennis courts, a skatepark, picnic areas, walking trails, a lake, and a campground. The Clearwater Nature Center and the historic Thrift Schoolhouse are also part of the regional park. Other nearby park facilities include Tanglewood Park located 1.5 miles east, and Fox Run Park approximately 2.3 miles to the southeast. In addition, Stephen Decatur Community Center is located 1.8 miles north of the subject property.

The Subregion 5 Master Plan and SMA indicates that the greatest need for local parkland will be in Clinton, where the projected need by 2030 will be approximately 730 acres compared to the 389 existing acres. Prior to the creation of the Southern Area Aquatic and Recreation Center facility in Brandywine, the Stephen Decatur Community Center was the only community center in Subregion 5.

The Central Branch Avenue Sector Plan described the Surratt House, which is east of the subject site, as a unique but hidden tourism opportunity, as well as a national landmark. The plan recommends expanding and enhancing the Surratt House site to be a stronger regional tourism draw. Since completion of the plan, the Maryland-National Capital Park and Planning Commission (M-NCPPC) has acquired the parcel adjacent to the Surratt House, located at the corner of MD 223 (Woodyard Road) and Brandywine Road. The property contained a small office building that has since been demolished, which allows for better visibility of the Surratt House.

Prior to approval of CSP-18004, the applicant and M-NCPPC entered into an agreement that involved the exchange of 5.83 acres of property located south of the subject site on Brandywine Road, contiguous to existing parkland, and \$319,000 in site improvements at the Surratt House site for the M-NCPPC's Parcel 85, which is now included in this PPS.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, or the payment of a fee-in-lieu or on-site recreational facilities, pursuant to Section 24-135 of the Subdivision Regulations. Based on the proposed density of development, 15 percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 2.56 acres. However, the applicant has opted to provide a combination of private on-site recreational facilities, and off-site recreational facilities. Private on-site facilities are in the form of a 5,810-square-foot park located on proposed Parcel BB, a pocket park located on proposed Parcel R, a dog park located on proposed Parcels W and X, and eight sitting areas throughout the residential areas of the site. It is noted that Parcel W is shown to be a commercial parcel and Parcel X as a homeowners association parcel. Parcel X should be adjusted so that the dog park is located entirely within its boundary. In correspondence dated May 12, 2021, the applicant lists these private recreational facilities and their projected costs. The off-site recreational facilities are in the form of a trail head, located on Prince George's County Department of Parks and Recreation property (Cosca Regional Park). This proposed facility is located approximately 0.75 mile south of the subject PPS, and consists of a duck pond, boardwalk, trail, and parking. Both private on-site and off-site facilities will be reviewed further at the time of DSP. Separate recreational facilities

agreements (RFA) for each of the private on-site and public off-site recreational facilities will be required, prior to approval of a final plat.

Staff finds that the applicant's proposal to provide private on-site and off-site facilities will meet the requirements of Section 24-135(b), subject to the conditions recommended in this staff report.

6. **Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Central Branch Avenue Sector Plan, to provide the appropriate pedestrian and bicycle transportation recommendations.

#### **Existing Conditions, Sidewalks, and Bike Infrastructure**

The subject site currently is partially developed with a bank and office building on a small portion of the site. However, the majority of the site remains undeveloped. The area under review for the subject application is not within a 2002 General Plan Corridor or a 2035 General Plan Center and is therefore not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines – Part 2."

The subject site is located within property zoned M-X-T and is subject to additional requirements at the time of DSP, as stated in Section 27-546(d)(7) of the Zoning Ordinance, below.

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

#### **Previous Conditions of Approval**

CSP-18004 does not contain conditions of approval pertaining to bicycle and pedestrian facilities applying to this PPS.

#### **Review of Master Plan Compliance**

This development case is subject to the MPOT, which recommends the following facilities:

- Planned Side Path: MD 223
- Planned Bike Lane: Brandywine Road

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 1: Provide standard sidewalks along both of all new road construction within the Developed and Developing Tiers.**

**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*.**

The submitted plans include a 5-foot-wide sidewalk along the frontage of MD 223. However, staff recommends the pathway be widened to a minimum 8-foot-wide sidewalk to fulfill the intent of the MPOT-recommended side path and for consistency with the approved CSP. The plans also include an 8-foot-wide asphalt side path along the property frontage of Brandywine Road. Staff finds the side path to be acceptable to accommodate multimodal use, that it fulfills the intent of the MPOT-recommended bike lane, and that it is consistent with the approved CSP. In addition, sidewalk is proposed along both sides of the internal roadways. Staff finds that these improvements support the intent of the recommended master plan facilities and the Complete Streets Policies.

The Transportation Recommendation Section of the Central Branch Avenue Sector Plan makes the following recommendations (page 99 and 121):

**Design interior streets with an interconnected grid or modified grid street pattern with sidewalks and street tree planting. Provide pedestrian amenities that include trash receptacles, benches, and bus shelters.**

**This plan recommends a high-quality walking and bicycling environment. The new environment will contain “friendly” infrastructure, trip-beginning, and end facilities such as bicycle parking, well-planned integration with other transport modes...**

**10-foot pedestrian/bike paths on both sides along A-54 Piscataway/Woodyards Roads (pg. 124)**

The submitted plans contain pedestrian and bicycle amenities, including sidewalk connections, crosswalks, and ADA curb ramps. Bicycle parking is an important component of a bicycle friendly environment. Staff recommends inverted U-style racks be provided at commercial and recreation areas and included in subsequent DSPs. During the CSP review, staff recommended an 8-foot-wide shared-use path along the subject site frontage of MD 223. Staff maintains the recommendation that a minimum 8-foot-wide shared-use path be provided along the subject site’s frontage of MD 223.

Based on the preceding findings, the pedestrian and bicycle transportation facilities will serve the proposed subdivision, meet the findings required by Subtitle 24 of the Prince George’s County Code, and conform to the Central Branch Avenue Sector Plan and the MPOT, subject to the conditions recommended in this staff report.

7. **Transportation**—Transportation-related findings for adequacy are required with this application, along with any determinations related to dedication, access, and general subdivision layout. Staff finds the proposed PPS does not satisfy transportation adequacy because the applicant cannot provide assurances that required road and intersection improvements will be fully funded.

Access and circulation are proposed by means of the streets being dedicated, plus several private streets and driveways, which are discussed further.

The plan is being reviewed against prior plan CSP-18004.



Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) has been submitted. The TIS was referred to the Prince George's County Department of Public Works and Transportation (DPW&T) and DPIE, as well as the Maryland State Highway Administration (SHA).

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and Signalized Intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way, stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

### **Analysis of Traffic Impacts**

The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the eventual trip cap for the site. The proposed uses have the following trip generation (with the use quantities shown in the table as described in the submitted TIS). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and *Trip Generation* (Institute of Transportation Engineers):

Trip Generation Summary, 4-19006, Clinton Market Place North								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Residential								
Townhouses	232	units	130	32	162	65	120	185
Commercial								
Retail (includes existing 3,178 square foot bank)	13,178	square feet	7	5	12	24	26	50
Less Pass-By (50 percent AM and PM) for retail			-3	-3	-6	-12	-13	-25
Net Retail Trips			4	2	6	12	13	25
Gas Station/Food and Beverage Store	6,000	square feet	249	250	499	208	208	416
Less Pass-By (76 percent AM and PM)			-189	-190	-379	-158	-158	316
Net Gas Station/Food and Beverage Trips			60	60	120	50	50	100
Total Site Trips			194	94	288	127	183	310

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

- MD 223 at Brandywine Road/Old Branch Avenue (signalized)
- MD 223 at site access (proposed to be signalized)
- Brandywine Road at Horseshoe Road/site access (proposed to be signalized)
- MD 223 at right-in right-out site access (proposed unsignalized)
- MD 223 at bank entrance (unsignalized)
- MD 223 at bank exit (unsignalized)

The October 2020 TIS, with counts taken in September 2020, was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 at Old Branch/Brandywine	992	1,406	A	D
MD 223 at site access	future			
Brandywine Road at Horseshoe Road/site access	11.0*	12.6*	--	--
MD 223 at right-in right-out site access	future			
MD 223 at bank entrance	future			
MD 223 at bank exit	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.				

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 should be computed into total traffic with improvements and not background or total 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 the connection.

Background traffic has been developed for the study area using 27 approved but unbuilt developments within the study area. There is an underlying PPS (4-78245) on this site, and that plan is included as a part of background. A 0.5 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	1,274	1,809	C	F
MD 223 at site access	future			
Brandywine Road at Horseshoe Road/site access	15.0*	73.1*	--	--
MD 223 at right-in right-out site access	future			
MD 223 at bank entrance	future			
MD 223 at bank exit	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.				

### **Total Traffic**

Under total traffic, the applicant has removed the trips associated with PPS 4-78245 and added the trips associated with the subject application. Also, the public street connection discussed as a part of background traffic is factored into the analysis. 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," including the site trip generation as described above, operate as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 at Old Branch/Brandywine	1,315	1,813	D	F
MD 223 at site access	782	845	A	A
Brandywine Road at Horseshoe Road/site access (standards for passing are shown in parentheses)				
Delay Test (50 seconds or fewer)	17.3*	54.2*	Pass	Fail
Minor Street Volume Test (100 or fewer)	--	182	Pass	Fail
CLV Test (1,150 or fewer)	--	527	Pass	Pass
MD 223 at right-in right-out site access	14.1*	14.3*	--	--
MD 223 at bank entrance	15.1*	16.3*	--	--
MD 223 at bank exit	13.7*	24.6*	--	--
*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 the parameters are beyond normal range of the procedure and should be interpreted as a severe inadequacy.				

An inadequacy in the PM peak hour 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 Prince George's County CIP, with the requirement for developer funding. With that improvement in place, the intersection would operate with a CLV of 784 and LOS A in the AM peak hour. In the PM peak hour, the intersection would operate with a CLV of 1,175 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, therefore, 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 DPIE and/or DPW&T, and this is discussed further in reviewing the conditions of the CSP.

A trip cap consistent with the trip generation assumed for the site is recommended. The site shall have a trip cap of 288 AM and 310 PM peak-hour vehicle trips.

#### **Agency Comments on Traffic Impact Study**

Several draft comments on the TIS were received from the County. The comments received are addressed below; staff awaits a final signed letter from DPIE:

- The first comment suggests that the TIS indicates signalization at the Brandywine Road/Horseshoe Road/site access intersection, but analyzes the intersection as unsignalized. Staff acknowledges that all analysis regarding this intersection were done correctly, and that the graphical depiction of a signal at this location is in error. The analyses indicate that this intersection passes the adequacy test in both peak hours. Neither the applicant nor staff is recommending further study at this intersection.
- The second comment by DPIE refers to a suggestion in the TIS that northbound left-turn movements could be restricted at the MD 223 at Old Branch/Brandywine intersection. This was not, however, a recommendation of the TIS, and no staff findings are based on that suggestion. As stated by DPIE, any such restriction would need to be implemented by SHA.
- The third comment indicates that the applicant should provide supporting documentation of how the pro-rata percentage and cost calculation based on the CIP was developed. These numbers are shown in the TIS, and staff would agree that

such documentation is needed before a recommendation can be made to the Planning Board.

By letter dated April 13, 2021 (Rigby to Lenhart) SHA provided nine comments on the TIS. The comments are addressed below:

- Comment 1 concerns the counts. All counts were taken in accordance with current Planning Department policy, as provided in the September 3, 2020 Development Review Bulletin. The wide-reaching impacts of the pandemic have affected counts across Prince George's County, and while some peak-hour traffic counts are approaching pre-pandemic levels, counts in other areas continue to be low. The September 3, 2020 Bulletin establishes a correction factor to be applied for a defined period of time uniformly across the County.
- Comments 2 and 3 refer to background developments. Staff has reviewed each of the developments referenced and believe that they were handled correctly in accordance with the Guidelines.
- Comment 4 indicates that the fitted curve from *Trip Generation* (Institute of Transportation Engineers) should have been used to analyze the retail space. While staff concedes that the use of the fitted curve would be consistent with the "Guidelines," staff also notes that the directive was written pursuant to a prior edition of *Trip Generation*. Using the "Guiding Principles" in the *Trip Generation Handbook* (Institute of Transportation Engineers), it is noted for the AM Peak Hour of Adjacent Street Traffic in the current version that the statistics for the fitted curve Standard Deviation is 93 percent and the R-Squared is 0.50, and under this circumstance the Handbook recommends using the weighted average trip rate. While the PM trips should have been computed using the fitted curve, according to staff computations, the PM trips are very close using either method, and staff supports the retail trip generation numbers shown in the TIS.
- Comments 5, 6, and 9 concern analyses that are not analyzed by planning staff in connection with an adequacy finding and must be adjusted by the applicant in support of permitting.
- Comment 7 suggests some concern with the bypass roadway diversion, but does not directly suggest how the concern might be addressed. Staff has similar concerns about the assumed diversions, but also believes that these assumptions do not prevent a finding of adequacy at the MD 223 at Old Branch/Brandywine intersection.
- Comment 8 questions how the TIS and the site plan align in terms of access. Staff is satisfied that current schematics are consistent with the TIS. In any regard, the PPS process does not approve a site plan, and a site plan will not be finalized until a DSP is approved.

#### **Master Plan and Site Access**

MD 223 is a master plan arterial roadway (A-54) with a proposed width of 120 feet. Brandywine Road is a master plan collector facility with a proposed width of 80 feet. Dedication along both roadways is acceptable as shown.

Several comments regarding circulation and internal street patterns were previously provided to the applicant. Most of these comments were made to improve fire access within the residential portion of the subdivision. The applicant provided revised plans to designate private streets for general circulation and, where alleys provide the sole frontage and access to residential lots, expanded the pavement width to 22 feet wide, in order to provide adequate fire access. Also, it was suggested that public roadway "C" be extended to the south property line; it is conceded that the County would not be favorable to this roadway being public, and so staff would agree that extending the two private streets to the south would provide the desired connectivity when the property to the south develops.

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

The MD 223 facility is proposed to provide access to the commercial parcels in the northern end of the site, and the applicant proposes three private driveways directly from this roadway for access to individual parcels (a public street is also proposed to connect to MD 223). Two driveways will serve the existing bank and the third driveway will provide access to Parcels P and Q on the PPS.

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. Therefore, a variation from Section 24-121(a)(3) is being requested by the applicant for the three driveways. Staff finds that the applicant meets the requirements for the approval of a variation regarding the driveways serving the bank, but not for the driveway serving Parcels P and Q.

There are four criteria that must be met for this variation to be approved (a fifth criterion does not apply). The criteria, with discussion, 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;**

There are two aspects specific to access along arterial and higher facilities: arterials have greater operating speeds, and the presence of medians can create issues with vehicles making U-turns. Two of the access points under review serve the existing bank, and given the proposed dedication along MD 223, it does not appear that the bank building as it exists can continue to operate without both access points being allowed. The two access points have existed to serve the bank for more than 40 years with no apparent safety concerns. Also, neither driveway is two-way; one enters the bank site from the western driveway and exits the bank site using the eastern driveway, and given the placement of the existing bank building, each driveway has independent utility for access. As such, it is believed that there would be no detriment to leaving these two access points as they are.

The third requested access is proposed to serve Parcels P and Q on the PPS. This driveway is within 400 feet of four other driveways to the west along MD 223. While the applicant states correctly that SHA did not object to this driveway, a nonobjection does not mean SHA supports the proposal. Instead, the most recent letter from SHA calls out this intersection for clarification. In addition, staff finds that an additional driveway in a 400-foot section of a busy arterial containing four driveways will likely be detrimental to the public safety, health, and welfare.

For the reasons noted above, staff finds the two driveways serving the bank will not be detrimental to public safety, health, and welfare, but that there is not sufficient evidence in the application to support the finding that the driveway serving Parcels P and Q will meet this requirement.

**(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;**

In justifying this finding, the applicant first cites the fact that the two driveways serving the bank have existed for more than 40 years, and staff agrees that this would create a uniqueness for the bank site, and would support the two driveways given this fact. For the third driveway, the applicant cites the zoning of the property as creating a condition of uniqueness. Zoning is a regulation imposed on a parcel guiding its future development. It does not create conditions unique to a property because zoning, by its very definition, is generally applicable. In addition, the specific zoning (M-X-T) is widely imposed throughout the County on similar properties. In addition, the zoning for this parcel was requested by the applicant with full knowledge of the limitations of access along arterial facilities.

The applicant continues by stating that “the internal vehicular traffic created by the new mixed-use community will be able to access the commercial parcels via the proposed bypass road.” The bypass road should be used for this purpose further evidencing that a separate driveway is not needed particularly given that the bypass road is being described as serving commuter/through traffic, as well.

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

The two accesses serving the bank exist and have been duly approved by SHA. No evidence is provided to show that the third access would violate any law, ordinance, or regulation, but given the driveway spacing along MD 223, staff reasonably believes SHA will fail to approve the third driveway. Driveway access from MD 223 is regulated by SHA, and no approval by SHA has been provided. Therefore, staff is not able to confirm that the third driveway will not constitute a violation of any applicable law or regulation.

**(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;**

This finding requires identification of hardship to the owner as opposed to mere inconvenience. When justifying access for existing businesses, a change in access can result in a hardship, and given the bank’s location adjacent to MD 223 at the edge of the subject property, it is believed that the two access points serving the bank meet this finding. Regarding the third access point serving Parcels P and Q, the applicant makes the argument that not having the driveway “will add unnecessary strain to the bypass road, that could negatively impact the residential traffic utilizing



the bypass road.” In fact, if all traffic from Intersection 4 of the TIS were added to Intersection 1 of the TIS (MD 223 at site access), the service levels would remain at LOS A in both peak hours. The two-way traffic volume would be approximately 515 vehicles in each peak hour, which is less than other developments recently considered with a single commercial driveway. Because the evidence shows the lack of a third driveway will not cause the owner a particular hardship, staff finds the applicant has not met this condition.

- (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.**

This criteria does not apply.

By virtue of the findings for each of the criteria for variation approval cited above, staff recommends that a variation from Section 24-124(a)(3) for two points of access onto MD 223 to serve the existing bank is supportable. However, the applicant has failed to provide sufficient evidence for staff to find it has met the requirements of a variation for the third point of access to serve Parcels P and Q. Removing that driveway will not create unreasonable congestion on the proposed public street serving the subject property, and its presence could exacerbate congestion along MD 223, given that there are four other driveways in close proximity. Furthermore, the parcels that would be accessed by this driveway have frontage on the proposed Public Road A. Staff’s recommendation of denial of the access to serve Parcels P and Q is not based on the applicant’s failure to satisfy the requirements of Section 24-121(a)(3), because staff finds driveway access to the arterial is not required, as the parcels do also have frontage and access provided from the internal public street. Notwithstanding the determination that the required findings for approval of a variation are addressed by the applicant for the two existing access points serving the bank, staff is compelled to recommend disapproval of the variation entirely, because staff does not find that adequate transportation facilities will exist to serve the proposed subdivision and the subdivision is therefore not approvable, including the associated variation requests.

#### **Variation Request from Section 24-128(b)(7)**

The residential lots in the subject subdivision receive access by means of alleys, but do not all front on a public street, as required by Section 24-128(b)(7)(A). The majority of the lots front on private streets and open space parcels within the residential development area of the site. The design provided ensures that uninterrupted pedestrian access is provided at the frontage, while vehicular circulation is provided in the rear of the lots. The applicant requests a variation pursuant to Section 24-113 of the Subdivision Regulations, and submitted a statement of justification, dated October 12, 2020. There are five criteria that must be met for this variation to be approved. The criteria, with discussion, 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 applicant has provided a fire truck turning exhibit and a fire hose pull exhibit, in response to correspondence from the Prince George's County Fire and EMS Department, dated March 10, 2021 (Reilly to Heath). The required minimum pavement width of 22 feet has been shown on the PPS for alleys providing the sole road frontage to lots so that they can support fire trucks, and lots are located within the required proximity to a fire access road. The access proposed does not affect the access for other properties. Therefore, the variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties.

**(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 subject site is flanked on three sides by existing development and roadways, and is at the corner of an intersection, which limits the possible extension of public roadways through the site to provide frontage for each lot. Give the site's location at an intersection, the public roadway into and through the subject site has been carefully designed at an appropriate location, where it can connect to the abutting public roads, so as not to conflict with surrounding developed properties and traffic operations, which is unique to the subject property.

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

The approval of a variation and, more specifically, the requirement for frontage on a public street where lots are served by an alley, is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Staff was unable to identify any applicable law, ordinance, or regulation that will be violated by this request for this variation.

**(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 particular physical surroundings of the subject site are such that it is flanked on three sides by existing development and roadways, and is at the corner of an intersection, which limits the possible extension of public roadways through the site to provide public road frontage for each lot. The subject fronts on two master-planned roads. The site will be bisected by a public road that accesses both of these roads, so some of the proposed lots will have frontage on a public right-of-way and the remaining lots will have frontage on private roads and/or alleys which extend from the proposed public roadway through the site, but cannot provide through access to other public roads. It is also noted that DPIE does not allow public streets with on-street parking or driveways to serve townhouses. If all townhouse lots had frontage on a public right-of-way, this would require more area for street infrastructure while severely limiting the amount of on-street parking that can be provided within the development. This would also create a less dense, and less walkable development, which is counter to what the M-X-T Zone calls for.

- (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.**

This criteria does not apply.

By virtue of the findings above, staff finds the variation from Section 24-128(b)(7) is supportable. Notwithstanding the determination that the required findings for approval of a variation are addressed by the applicant, staff is compelled to recommend disapproval of the variation, because staff does not find that adequate transportation facilities will exist to serve the proposed subdivision and the subdivision is therefore not approvable, including the associated variation requests.

#### **Previous Approvals**

CSP-18004 was approved by the Planning Board on May 16, 2019 (PGCPB No. 19-62). The Planning Board approved the CSP with one traffic-related condition, which merits discussion at this time, as follows:

- 2. Prior to the issuance of any building permits within the subject property, unless modified at the time of PPS pursuant to Section 27-546(d)(9):**
- 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.**

It is recognized that this condition has been the topic of discussions between the applicant and the County, and planning staff has been involved in those discussions at every step. However, comments received from DPPE, DPW&T, and SHA all suggest that the role of the bypass road being constructed by the applicant is not well-understood as a component of the intersection improvements above. There continues to be uncertainty with the County agencies about whether the dollar figure given in the TIS is correct, and how that money should be applied to the construction proposed by the applicant. While the ongoing discussions suggest that the "in cooperation with" phrase in the above condition will eventually be met, the ongoing nature of these discussions suggest that a recommendation at this writing is premature. Without such a recommendation, this condition cannot be fully met.

- b. The applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of MD 223 and the proposed site access. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with SHA prior to the release of any building permits and complete installation at a time when directed by SHA.**

If the Planning Board approves this application, this condition will be carried forward.

Based on the preceding findings, a determination of adequate transportation facilities cannot be made by staff. Full funding by the applicant for the MD 223/Old Branch Avenue/Brandywine Road intersection is not guaranteed. Agency comments currently lack agreement on the scope of funding and improvements, and until an agreement in principle is reached, the applicant cannot show that adequate roads will exist or otherwise be provided for as required under the applicable conditions contained in Section 24-124.

The variation from Section 24-124(a)(3) for two points of access onto MD 223 to serve the existing bank is supportable, but the applicant failed to meet the burden of satisfying the conditions for the issuance of a variation for the third point of access to serve Parcels P and Q. The driveway will likely create unreasonable congestion along MD 223 that will cause SHA to refuse to grant approval. In addition, the characteristics of the property are not unique and do not create a particular hardship for the applicant.

8. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, and Prince George’s County Council Resolution CR-23-2001. The subject property is located within School Cluster 6, which is located within I-95/I-495 (Capital Beltway). Staff conducted an analysis, and the results are as follows:

**Impact on Affected Public School Clusters Single-Family Attached/Detached Dwelling Units**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 6</b>	<b>Middle School Cluster 6</b>	<b>High School Cluster 6</b>
Total Dwelling Units	232	232	232
Townhouse (SFA)	136	136	136
Townhouse (PYF)	0.114	0.073	0.091
SFD * PYF	15.504	9.928	12.376
Multifamily Dwelling (MF)	96	96	96
Multifamily (PYF)	.162	.089	.101
MF * PYF	15.552	8.544	9.696
Total Future Subdivision Enrollment	32	19	22
Adjusted Enrollment in 2019	4,856	2,912	3,490
Total Future Enrollment	4,888	2,931	3,512
State Rated Capacity	6,381	3,340	5,206
Percent Capacity	76%	87%	67%

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,770 per dwelling if a building is located between I-95/I-495 and the District of Columbia; \$9,770 per dwelling if the building is included within a basic plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,748 per dwelling for all other buildings. This project is outside of I-95/I-495; thus, the surcharge fee is \$16,748 per dwelling unit. This fee is to be paid to DPIE, at the time of issuance of each building permit.

9. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated April 9, 2021 (Thompson to Heath), provided in the backup of this technical staff report, and incorporated by reference herein. Police facilities warrant additional discussion, as follows:

**POLICE FACILITIES**

**Nonresidential**

The subject property is served by the Police District V, Clinton located at 6707 Groveton

Drive in Clinton. Per Section 24-122.01(c)(1)(A), the Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the population. The national standard is 141 square feet per officer. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department and the July 1, 2017 (U.S. Census Bureau) county population estimate is 912,756. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,698 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline. Per Section 24-122.01(e)(1)(A), the Police Department is required to have 1,420 officers or 100 percent of the authorized strength of 1,420 on and after December 31, 2006. There are 1,489 sworn officers as of February 17, 2021, which is within the guideline.

### **Residential**

This PPS was reviewed for adequacy of police services, in accordance with Section 24-122.01(c). The subject property is in Police District V, Clinton, located at 6707 Groveton Drive in Clinton. The response time standards are 10-minutes for emergency calls and 25-minutes for nonemergency calls. The test is applied on the date the application is accepted or within the following three monthly cycles, pursuant to Section 24-122.01(e)(2). The times are based on a rolling average for the preceding 12 months. The application was accepted by the Planning Department on March 9, 2021.

Reporting Cycle	Date	Priority	Non-Priority
Acceptance Date	March 9, 2021	12	8
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for priority calls was not met at acceptance. However, Prince George's County FY 2020–2025 Approved CIP includes a new station for Police District V, so mitigation is not required. The Department has reported that there is adequate equipment to meet the standards stated in Prince George's County Council Bill CB-56-2005. Pursuant to Council Resolution CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

- 10. Public Utility Easement**—Section 24-122(a) requires that, when utility easements are required by a public 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 rights-of-way. The subject site fronts on the public rights-of-way of MD 223 and Brandywine Road, and proposes an internal public road. The applicant is also proposing an internal network of private streets. Section 24-128(b)(12) requires that 10-foot-wide PUEs be provided along one side of all private streets. The required PUEs are delineated on the PPS along the proposed private and public streets, as well as the public rights-of-way MD 223 and Brandywine Road.

- 11. Historic**—The subject property is located west of the Mary Surratt House Museum (81A-007), listed in the National Register of Historic Places and is a Prince George’s County historic site. Built in 1852, the Mary Surratt House is a two-story, side-gabled frame dwelling with 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 was hanged for conspiracy. The house, now open to the public as a museum, was listed in the National Register of Historic Places in 1973 and is protected by an easement held by the Maryland Historical Trust. The Mary Surratt House Museum is a nationally and internationally known site and is visited by thousands of people each year.

The subject property was part of John and Mary Surratt’s 157-acre farm. The northwest portion of the property is adjacent to a Freedman’s Bureau school site (1869), the Clinton “Colored” School (81A-013), located at 9122 Piscataway Road (MD 223). The original school was constructed in 1869 and served the community for nearly 60 years. In 1924, a survey of “colored” schools in Prince George’s County reported that Clinton School had an enrollment of 46 students through the seventh grade. The survey report commented on the favorable location of the school in the prosperous community of Clinton. The school plant was in fair condition, with only “some minor things” needed. In January 1925, the community began petitioning the Board of Education for a new school building and funds were appropriated the following year. The new school was constructed in 1926 with assistance from the Julius Rosenwald Fund. The school was of the “two teacher type” constructed on two acres. The new Clinton School, constructed on the site of the old one-room schoolhouse, opened in 1927. The school was in use until the early 1950s. In 1955, the school property was auctioned, and the successful bidder was American Legion Post 259. Post 259 subsequently modified the building and remains its owner. The northern part of the subject property is known as Miller’s Field and has been used as a baseball, football, and soccer field, and as event space by local organizations.

The PPS proposes two-over-two condominium units directly across from the Surratt’s House. Townhouses are proposed in the southeastern portion of the development and the commercial uses are proposed in the northwest quadrant. The existing bank building located at 9110 Piscataway Road (MD 223) and constructed circa 1980, is proposed to remain on the property.

Section 24-135.01(b) provides the following requirements for subdivisions containing or adjacent to historic sites. These requirements are as follows:

- 1. Lots shall be designed to minimize adverse impacts of new construction on the historic resource;**
- 2. Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and**
- 3. Protective techniques (such as limits of disturbance, building restriction lines and buffers) shall be used.**

A Phase I archeology survey was recommended on the subject property when the CSP was reviewed in April 2019. The subject property was once part of the 157-acre Surratt farm. An August 29, 1865 article in the Washington *Evening Star* describing the Surratt farm noted that on the other side of the road from the house was a cluster of farm buildings connected to the Surratt premises. Another newspaper article noted that wheat and tobacco were the main crops grown on the farm, which is confirmed by the 1860 agricultural census. According to the 1860 Slave Schedules, John H. Surratt held seven enslaved laborers, five males and two females, on his farm in Surrattsville.

A Phase I archeology survey was completed on the subject property in August 2020. The testing of the project area consisted of a shovel test pit survey conducted at 50-foot intervals to determine the presence of cultural deposits. A total of 201 shovel test pits were excavated within 10.83 acres of woodland within the proposed development property. The remaining half of the project area, 10.43 acres, consisted of recently graded land (9.94 acres) and previous construction covered by impervious surfaces (0.49 acre). These areas were omitted from the field survey because of a low probability to encounter intact cultural deposits.

A total of 136 artifacts were recovered from the archeological testing. All the artifacts recovered dated to the 20th century. No precontact Native American artifacts were encountered. The majority of the artifacts were recovered from an area that aerial photographs, prior to 1980, indicate was the location of a farmhouse, although a lower density scatter encompasses the entire project area. One concrete barn foundation was noted in the central portion of the property. The barn foundation and an associated artifact scatter were recorded as site 18PR1189 and was named the Blossie K. Miller Barn site, after the property's mid-20th century owner. The site was not considered to be a significant archeological resource and no additional testing was recommended by the applicant's consultant.

The Historic Preservation Commission (HPC) expressed concern about the grading and filling that was done on the northern portion of the subject property, prior to the commencement of the archeological investigations. That area was where the outbuildings, and possibly housing for the enslaved people, were located. The HPC had recommended Phase I archeological investigations with its review of the CSP, but those conditions were not adopted by the Planning Board. The applicant's representatives noted that a bypass road was planned through the development between the intersection at Brandywine Road and at MD 223 to ease traffic congestion. Fill dirt for the construction of that bypass was available in late 2018, and the northern part of the property was graded and prepared for the fill dirt necessary to construct the road. The road has not yet been constructed.

Details of the architecture, landscaping, and lighting will be provided at the time of DSP. The applicant should ensure that the scale, mass, proportion, materials, and architecture for new construction appropriately relates to the character of the Mary Surratt House Museum Historic Site. Full cut-off lighting should be utilized to prevent light spilling over onto the historic site.

The applicant is proposing two-over-two condominium units across from and within the viewshed of the Surrat House Environmental Setting. These units will be taller than the proposed townhouse units to be located south of the entry road into the proposed development from Brandywine Road. The HPC recommends placing the townhouse units on



the north side of the entry road, which would create less visual impact on the Surratt House Historic Site viewshed and have a more residential character than the proposed condominium buildings. In addition, any proposed buildings in the viewshed of the historic site should face the Mary Surratt House. The applicant should avoid siting lots and buildings so that the rears and sides of structures face the historic site.

There are existing trees on Lot 2 and Parcels 59 and 85 along Brandywine Road. The applicant should consider retaining a portion of the existing woodland along Brandywine Road to protect the viewshed of the Surratt House.

Although the HPC reviewed the associated CSP and made recommendations to the Planning Board, none of the HPC's recommendations were adopted in the final resolution for the case. The applicant graded the northern portion of the subject property, prior to the commencement of the Phase I archeology survey. This is the portion of the subject property that may have contained evidence of some of the outbuildings associated with the Surratt House. The HPC recommends no further archeological investigations on the subject property. However, the HPC recommends that the applicant provide interpretive signage within the development that discusses the history of the Clinton School located on the adjoining property to the northwest. The details of the interpretive sign and its location should be provided with the DSP. The HPC and the applicant discussed a condition that would clarify the number of interpretive signs that would be required. The HPC decided that Historic Preservation staff's condition addressed its expectations for interpretive signage.

At the time of DSP, the HPC will review the landscape buffer, lighting, architecture, and materials and other details that may have an adverse effect on the Surratt House. The HPC expects the applicant to propose architecture that is adjacent to the historic site that is sympathetic to the scale, mass, proportion, materials, and architecture of the Surratt House. The HPC was especially interested in interpretive signage that discusses the history of the Freedman's Bureau and later Rosenwald School that was located on the adjoining property to the northwest.

**12. Environmental**—The following applications and associated plans have been reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-78245	N/A	Staff	Approved		N/A
NRI-087-07	N/A	Staff	Approved	1/28/2008	N/A
MR-1506F	N/A	Planning Board	Transmitted	7/30/2015	N/A
TCP2-15-14		Staff	Approved	2/5/2015	N/A
NRI-087-07-01	N/A	Staff	Approved	2/5/2015	N/A
TCP2-15-14-01		Staff	Approved	10/31/2017	N/A
NRI-115-2018	N/A	Staff	Approved	11/9/2018	N/A
CSP-18004	TCP1-002-2019	Planning Board	Approved	May 16, 2019	19-62
4-19006	TCP1-002-2019-01	Planning Board	Pending	Pending	Pending

### **Proposed Activity**

The applicant is requesting approval of a PPS and a Type 1 Tree Conservation Plan (TCP1-002-2019-01) for construction of a mixed-use development consisting of 136 lots and 48 parcels for single-family attached development and 19,178 square feet of commercial/retail space. Site frontage along MD 223 is proposed to be commercial and the southern portion of the property is residential.

### **Grandfathering**

This project is subject to the current environmental regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012, because the application is for a new PPS.

### **Site Description**

This 21.27-acre site is zoned M-X-T and is located near the southwest corner of MD 223 and Brandywine Road in Clinton. The site is located across Brandywine Road from the Surratt's House Historic Site 81A-007. A review of the available information indicates that no regulated environmental features (streams, wetlands, associated buffers, and floodplain) are located on-site. The soil types found on-site according to the U.S. Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey are Beltsville silt loam, Beltsville-Urban land complex, Downer-Hammonton complex, Grosstown-Hoghole-Urban land complex, Sassafras-Urban land complex, Urban land-Beltsville complex, and Urban land-Grosstown complex. Marlboro or Christiana Clays do not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stormwater drains to the south to an off-site stream system and to the east towards Brandywine Road. This site is in the Piscataway Creek watershed, which flows into the Potomac River. The site has frontage on MD 223 and Brandywine Road, of which MD 223 is identified as a Master Plan Arterial Roadway. Both MD 223 and Brandywine Road are designated as historic roadways. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan) shows that the wooded area along the southwestern portion of the property as an evaluation area.

### **Previous Approvals**

The environmental conditions of approval found in CSP-18004 have been addressed, as follows:

- 1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:**
  - e. Prior to certification of the conceptual site plan, the TCP1 shall be revised as follows:**
    - 1. Add "TCP1-002-2019" to the approval block and to the worksheet.**

2. **Revise General Note 7 to say, “...within *Plan Prince George’s 2035, Environmental Strategy Area Two*, formerly the Developing tier...”.**
3. **Revise General Note 13 to provide the conceptual stormwater management plan number.**
4. **Revise the ownership information for the adjacent properties.**
5. **Add a column for the Development Review Division number in the TCP1 approval block.**
6. **Identify the steep slopes on the plan with shading.**
7. **Provide an Owners Awareness Certification on the plan.**
8. **Have the revised plan signed and dated by the qualified professional preparing the plan.**

This condition was met at time of TCP1-002-2019 certification.

## **MASTER PLAN CONFORMANCE**

### **Central Branch Avenue Sector Plan**

The subject property has been evaluated for conformance to the Central Branch Avenue Sector Plan and is found to be consistent with the plan recommendations as set forth in this report.

The sector plan identifies the commercial portion of the overall site within the Clinton Commercial Core Focus Area. Map 35, page 97 of the sector plan places the commercial portion of the site within a proposed future land use area of “residential mixed use.” The development proposes a mix of commercial and residential uses, which is in conformance with the sector plan.

### **Conformance with Countywide Green Infrastructure Plan**

According to the approved Green Infrastructure Plan, approximately 30 percent of the subject property is within the designated evaluation area. Portions of the overall site have been graded under prior grading approvals and 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 Plan/Existing Features**

There have been two natural resources inventory (NRI) plans approved for this location. NRI-087-07, which was for the majority of the site except for the parcel owned by M-NCPPC, and then a revision (NRI-087-07-01), approved on February 5, 2015. The last on-site NRI (NRI-115-2018) was for the M-NCPPC property and the adjacent existing office building, approved on November 9, 2018, and provided with this application. The TCP1 and the PPS

show all the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size, it contains more than 10,000 square feet of existing woodland, and because the site is subject to previously approved TCPs. TCP1-002-2019-01 was submitted with this PPS.

Based on the TCP1 submitted with this application, the overall site of 21.27 acres contains 14.80 acres of woodland and has a woodland conservation threshold of 3.19 acres (15 percent). The woodland conservation worksheet proposes the removal of 14.80 acres on the net tract area for a woodland conservation requirement of 9.28 acres. The requirement is proposed to be met with 9.28 acres of off-site woodland conservation. The NRI identified one specimen tree on-site and a variance for the removal of this tree was approved with CSP-18004.

The 10.73-acre front portion of the property along MD 223 has been mass graded, in accordance with TCP2-015-2014-01. The woodland requirements for this TCP2 were met by purchasing 4.16 acres of afforestation credits at the Brown Preserve Woodland Conservation Bank (TCP2-098-05). The TCP2 plan and the worksheet show 0.43 acre of 35-foot-wide landscape-reforestation credit. This landscape area was never planted and is still required for the TCP2 plan. This TCP1 shall show the one reforestation-landscaped area along the western property boundary adjacent to the school. The woodland conservation worksheets shall be revised to include this 0.43-acre reforestation-landscape buffer. The TCP2 revision to show the residential area of this development is required to meet their own woodland requirement of 4.69 acres and provide the bond for the reforestation-landscape buffer. This planting bond was not collected at the time of grading of the commercial lands.

Technical revisions are required to the TCP1, which are included in the conditions listed at the end of the staff report. However, this PPS application is not recommended for approval, and consequently the TCP1 is also not recommended for approval.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the Prince George's County Code 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 site contains one specimen tree, a 34-inch Blackgum (Specimen Tree 21) in poor condition. This Blackgum specimen tree was approved for removal with CSP-18004.

### **Regulated Environmental Features/Primary Management Area**

According to information available on PGAtlas.com and the approved NRI's, there are no regulated environmental features located on-site or immediately adjacent to the site.

**13. Urban Design**—Conformance with the Zoning Ordinance (Subtitle 27) is evaluated as follows:

The commercial and single-family attached residential fee-simple and condominium townhouses are permitted in the M-X-T Zone. Conformance with the Zoning Ordinance regulations is required for the proposed development at the time of DSP, including but not limited to the following:

- Section 27-543, Uses (M-X-T Zone)
- Section 27-544, Regulations (M-X-T Zone)
- Section 27-548, Additional Regulations in the M-X-T Zone
- Part 11 Off-street Parking and Loading, and
- Part 12 Signs

The M-I-O Zone encumbers a small portion of the commercial section at the intersection of MD 223 and Brandywine Road, which will be further evaluated at the time of DSP for proposed buildings and their conformance with height limitations.

**Conformance with the 2010 Prince George's County Landscape Manual**

In accordance with Section 27-548, landscaping, screening, and buffering within the M-X-T-Zone should be provided, pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.1, Residential Requirements; Section 4.2, Requirements for 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 are applicable. The future DSP should demonstrate that a sufficient buffer between the proposed townhouses and historic Brandywine Road is provided, and that sufficient screening of these units from the Surratt's house viewshed is provided. In addition, it is noted that treatment along the private streets should be designed to establish a human-scale, pedestrian-friendly streetscape and expected that the street sections shown on the PPS for private rights-of-way will be adjusted at the time of DSP to include a landscape strip as required by Section 4.10 of the Landscape Manual. Conformance with the Landscape Manual will be further evaluated at the time of DSP review.

**Conformance with the Tree Canopy Coverage Ordinance**

In accordance with Section 25-128 of the Zoning Ordinance, properties in the M-X-T Zone are required to provide 10 percent of the gross tract area in tree canopy coverage (TCC). The subject site is 21.27 acres and is required to provide 2.13 acres of the site in TCC. Conformance with this requirement will be evaluated at the time of DSP.

The applicant has stated that private on-site recreational facilities and amenities will be provided, including a playground, pocket park, dog park, and sitting areas. The proposed site layout provides multiple open space parcels in the development, specifically Parcel BB, which is labeled as the proposed "Private Recreation Area" serving the proposed residential section. This parcel is centrally located, which will allow easy access for all lots throughout the development. The open space parcels and the other recreational amenities proposed within the recreational parcels will be further evaluated at the time of DSP.

## RECOMMENDATION

Given the absence of adequate transportation findings that can be made, staff recommends **DISAPPROVAL** of the subject application. Notwithstanding the transportation adequacy, staff finds the following conditions would be appropriate for the subject application, at such time that adequate transportation findings and recommendations can be made:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Indicate consistent number of parcels being proposed in the general notes and in the Lot/Parcel tables. The general notes indicate 22 proposed parcels, while the table indicates 48; update the general notes to show 48 parcels.
  - b. List proposed private on-site and off-site recreational facilities in the general notes to satisfy the mandatory dedication of parkland requirement.
  - c. Show continental-style crosswalks crossing all vehicular access points from MD 223.
  - d. Indicate that the proposed private recreation area (dog park) on Parcel W will be located on a homeowners association parcel, not a commercial parcel, by adjusting the dog park location or adjusting the boundary of Parcels X and W so that Parcel X will encompass the dog park area.
2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.
3. Prior to signature approval of the preliminary plan of subdivision, submit a copy of the approved stormwater management concept plan and letter for the residential half of the project.
4. Development of the site shall be in conformance with Stormwater Management Concept Plan (38561-2018-00) and any subsequent revisions.
5. Prior to approval of a final plat:
  - a. The final plat shall grant 10-foot-wide public utility easements along both sides of public rights-of-way, and one side of private rights-of-way
  - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
6. Prior to signature approval of the preliminary plan of subdivision, the Type 1 Tree Conservation Plan (TCP1-002-2019-01) shall be revised, as follows:

- a. Add to the "00" line of the approval block, "C. Schneider," "8/16/2019," and "CSP-18004."
  - b. Add to the "01" line of the approval block in the DRD column "4-19006."
  - c. Revise the woodland conservation worksheet to add the 0.43 acre of reforestation-landscape buffer that was added with TCP2-015-2014-01.
  - d. Add the following note under the woodland conservation worksheet: "As part of TCP2-015-2014-01, the applicant graded the commercial portion of the site and purchased 4.16 acres of off-site afforestation credits. The applicant of the residential portion of the site is required to meet the remaining woodland conservation requirement of 0.43 acres of reforestation-landscape buffer bond and 4.69 acres with off-site conservation."
  - e. Have the revised plan signed and dated by the qualified professional preparing the plan.
7. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-002-2019-01). The following notes shall be placed on the final plat of subdivision:
 

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-002-2019-01), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission."
  8. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
 

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."
  9. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant, and the applicant's heirs, successors, and/or assignees shall provide adequate on-site and off-site recreational facilities.
  10. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat.

11. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Appropriate triggers for construction shall be established with the DSP.
12. The applicant, and the applicant's heirs, successors, and/or assignees, shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, prior to issuance of building permits.
13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land, as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Maryland-National Capital Park and Planning Commission.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
14. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of off-site recreational facilities on Maryland-National Capital Park and Planning Commission land, for approval, prior to a submission of a final record plat. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the



RFA shall be noted on the final plat. The public RFA shall establish the timing for the construction of the off-site recreational facilities.

15. Prior to acceptance of a detailed site plan (DSP), in accordance with the 2009 *Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following pedestrian and bicycle facilities and shall show the following facilities on the DSP:
  - a. Minimum 8-foot-wide sidewalk along the property frontage of MD 223, unless modified with written correspondence by the Maryland State Highway Administration.
  - b. A minimum of two inverted U-style bicycle racks, or a style similar that allows two points of secure contact, at all proposed recreation and commercial areas.
16. Prior to the approval of any detailed site plan, the applicant, and the applicant's heirs, successors, and/or assignees shall:
  - a. Ensure that the scale, mass, proportion, materials, architecture, lighting, and landscaping of any new construction within the viewshed of the Mary Surratt House Museum Historic Site be reviewed for compatibility with this internationally significant property.
  - b. Provide a plan for any interpretive signage to be erected as well as any public outreach measures to be taken. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission Historic Preservation staff. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.

**STAFF RECOMMENDS:**

- Disapproval of Preliminary Plan of Subdivision 4-19006
- Disapproval of Type 1 Tree Conservation Plan TCP1-002-2019-01
- Disapproval of a Variation from Section 24-121(a)(3)
- Disapproval of a Variation from Section 24-128(b)(7)