

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

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

WHEREAS, in consideration of evidence presented at a public hearing on November 19, 2009, regarding Detailed Site Plan DSP-09004 for Clinton Employment Center Associates, the Planning Board finds:

1. **Request:** This application has been filed to obtain detailed site plan approval of the existing shopping center constructed on the subject site, including three, freestanding, restaurant buildings. No new construction or site alterations will occur. The applicant has filed the site plan because, since the approval of Council Bill CB-49-2005, freestanding restaurants in the C-S-C Zone are only permitted subject to detailed site plan approval. One of the three, existing, freestanding restaurants has been without a tenant, causing its use and occupancy permit to lapse. In order to obtain a new use and occupancy permit, the restaurant will need an approved detailed site plan.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Integrated shopping center	Integrated shopping center
Acreage	10.3839	10.3839
Gross floor area	114,605 square feet	114,605 square feet

**Parking and Loading Data**

	<b>REQUIRED</b>	<b>APPROVED</b>
Standard spaces		380
Compact spaces		209
Handicapped spaces	13	14
Van-accessible spaces	4	8
Total parking spaces	464	629
Loading spaces	4	4

3. **Location:** The site is located north of Coventry Way, west of Branch Avenue (MD 5), and east of Old Branch Avenue. As Branch Avenue is an elevated highway in this area, vehicular access to the site is from Coventry Way and Old Branch Avenue.
4. **Surrounding Uses:** To the north, the subject property borders an office park in the C-M (Miscellaneous Commercial) Zone.
5. **Previous Approvals:** The shopping center was constructed prior to 1988, at which time it was constructed as a conforming use in the C-S-C Zone and did not require site plan approval. In 1999, the site obtained approval of a Departure from Sign Design Standards, DSDS-562, allowing for increases in sign height and area, and a decrease in sign setback for the freestanding sign on the eastern side of the site, adjacent to Branch Avenue.
6. **Design Features:** The existing shopping center consists of five buildings. A large, single-story, masonry and stucco building on the northwest portion of the site includes an 81,062-square-foot supermarket space and 16,136 square feet of other retail areas. The other buildings are a 2,940-square-foot bank building in the southwest corner of the site, and three brick and stucco restaurant buildings of 2,312 square feet, 3,790 square feet, and 8,365 square feet clustered around the southeast corner of the site. The remainder of the site consists of surface parking and loading areas.

There is an existing freestanding sign located along the frontage of Branch Avenue. This sign was built in accordance with DSDS-562, with increased height and sign area in order to improve visibility from Branch Avenue.

The applicant does not propose any construction or alterations to the site.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** In the C-S-C Zone, an integrated shopping center is a permitted use. Furthermore, the freestanding restaurants are permitted, subject to the approval of a detailed site plan. The existing conditions are in conformance with the standards of the C-S-C Zone for these uses.

There are existing permitted signs mounted on all of the buildings on the property except for the one, currently vacant, restaurant building. If new tenants were to occupy any of these buildings, any alterations to the signage would require new sign permits. The vacant restaurant building formerly had signs associated with its last tenant. Any new signs associated with the new tenant will be governed by Part 11 of the Zoning Ordinance.

8. **Prince George's County Landscape Manual:** Because the shopping center was built prior to 1990, the site is exempt from most of the provisions of the *Prince George's County Landscape Manual*. Total new construction since 1990 has been 1,134 square feet (a small vestibule added to

the supermarket), which is less than 5,000 square feet. The site is therefore exempt from Sections 4.2 and 4.7 of the Landscape Manual. Furthermore, no additional parking is proposed and the site is therefore also exempt from Section 4.3.

The site is subject to Section 4.4 of the Landscape Manual which requires screening of loading areas and dumpsters from the view of public road and residential areas. The dumpsters on the site are screened with sight-tight fences and masonry walls, while the loading areas are screened from view by their location on the north side of the main shopping center building.

9. **Woodland Conservation and Tree Preservation Ordinance:** The site is exempt from the requirements of the Woodland Conservation and Tree Preservation Ordinance because it is more than 40,000 square feet in area, has less than 10,000 square feet of woodlands, and does not have a previously approved tree conservation plan. The site has a standard letter of exemption.

#### REFERRAL AGENCIES AND DIVISIONS

10. The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Community Planning Division**—There are no significant planning issues for this detailed site plan since it is intended only to validate existing uses on the site. Further, the application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developing Tier. The application conforms to the commercial land use recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, which retained the C-S-C Zone for this property.

**Transportation Planning Section**—Given that there are no new construction or changes in access or circulation, there are no significant transportation issues.

**Subdivision Section**—The subject property is located on Tax Map 107, in Grid C4, and is known as Parcel F. The property was previously the subject of Record Plat WWW 76 @ 76 known as Parcel A (Clinton Mall), recorded in land records July 23, 1979. Additionally, the property dedicated an 80-foot right-of-way to Prince George's County known as Coventry Way. The bearing and distances along the northeastern section of the property has been slightly altered since 1979 and reflect the additional dedication for Coventry Way and MD 5 (Branch Avenue) for widening. The change in configuration of the property is permitted pursuant to Section 24-107(c)(5) of the Subdivision Regulations, which exempts the conveyance of land to a governmental agency for public use from filing a subdivision plat. The subject property should reflect the proper designation of Parcel F, not "Residue of Parcel F." There are no other subdivision issues at this time.

**Permit Review Section**—The Planning Board finds that there were three comments that pertained to the subject proposal and that each of these comments have been addressed by the

applicant, except one that relates to building-mounted signage. The two tenanted restaurants, Taco Bell and Three Brothers, both have valid sign permits for their building-mounted signage. The third, currently vacant restaurant, shall submit a signage package prior to signature approval of this detailed site plan. If the new tenant is unknown at this time, conceptual signage shall be submitted.

**Environmental Planning Section**—The site is exempt from the Woodland Conservation Ordinance. There are no environmental issues.

**Washington Suburban Sanitary Commission (WSSC)**—WCCS indicated, in a letter dated September 24, 2009, that they have no comment.

**Verizon**—Verizon responded, in a letter dated September 21, 2009, that no plantings are allowed in the public utility easement (PUE) and must be removed. The subject application proposes no new construction and is to validate an existing use on the site. Removal of existing landscaping is not required.

11. **Urban Design Review:** In addition to the above findings and discussion, the Planning Board finds that the proposal to validate existing restaurants in the C-S-C Zone with no new construction is generally in compliance with the standards of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the Zoning Ordinance, and the Landscape Manual.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-09004, subject to the following conditions:

1. Prior to signature approval, the applicant shall submit a signage package for the currently vacant restaurant. If the new tenant is unknown at this time, conceptual signage shall be submitted to be in accordance with Part II of the Zoning Ordinance.
2. Prior to signature approval, the applicant shall revise the site plan to reflect the proper designation of Parcel F and remove the label that reads "Residue of Parcel F."

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Cavitt and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, November 19, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of December 2009.

Patricia Colihan Barney  
Acting Executive Director

By Frances J. Guertin  
Planning Board Administrator

PCB:FJG:CJ:arj