



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-81(C)

File No. 4-12002

C O R R E C T E D   R E S O L U T I O N

WHEREAS, Oakcrest West LLC is the owner of a 11.04-acre parcel of land known as Tax Map 80 in Grid F-1 and is also known as Parcel 164 and 16, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Multifamily High Density Residential (R-10); and

WHEREAS, on March 4, 2013, The Michael Companies Inc. filed an application for approval of a Preliminary Plan of Subdivision for 5 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12002 for Brooks Drive Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 11, 2013, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 11, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-010-10), and further APPROVED Preliminary Plan of Subdivision 4-12002, Brooks Drive Property for 5 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Remove the lot coverage provided and green space provided in Note 2 of the Site Data.
  - b. Delineate and add a note that states the following:

“This property lies within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”
  - c. Submit the revised approved Stormwater Management Concept Plan and Letter, and Revised Note 13 in accordance with the revised plan.
  - d. Provide density calculation basis on net tract area.

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- e. Revise Note 27 to add "Access along Brooks Drive is denied with the exception of one driveway to ensure the consolidation of vehicular traffic for all five parcels, unless otherwise modified by the Department of Public Works and Transportation prior to approval of final plat."
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 31374-2009-00 and any subsequent revisions.
3. Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. Private on-site recreational facilities shall be reviewed by the M-NCPPC Development Review Division as part of the Detailed Site Plan. An appropriate mix of recreational facilities shall be specified at that time.
4. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for the construction of private recreational facilities on the subject property for approval prior to submission of the final plat. The RFA will list the facilities and establish triggers for construction. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber and folio reflected on the plat.
5. Prior to issuance of building permits, 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 the construction of recreational facilities on subject property.
6. At the time of final plat, the applicant shall grant a ten-foot-wide public utility easement (PUE) along the public rights-of-way of Brooks Drive and Pennsylvania Avenue (MD 4) as delineated on the approved preliminary plan of subdivision.
7. Total development shall be limited to uses which generate no more than 156 (31 in; 125 out) AM peak-hour trips, and 180 (117 in; 63 out) PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.
8. Prior to the issuance of a building permit for the subject property, the following road improvement shall (a) have full financial assurances, (b) have been designed per the appropriate operating agencies and (c) have been permitted for construction through the operating agency's access permit process: Construct northbound left-turn lane on Brooks Drive at the proposed access point. The left-turn lane shall be constructed in accordance with DPW&T standards.
9. At the time of final plat, the following notes shall be placed on the plat:

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- a. "This property lies within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012)."
  - b. "Access is denied along the frontage of Pennsylvania Avenue (MD 4) and Brooks Drive with the exception of one access driveway \*along Brooks Drive unless one additional vehicular access is [as] approved \* by DPW&T along Brooks Drive with [øñ] the DSP/SE."
10. Nonresidential development on the subject property that significantly affect Subtitle 24 adequacy findings may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
11. Prior to approval of the final plat, an executed private access easement agreement for Parcels 1–5 shall be submitted and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The easement is to provide inter-parcels connection and access to Brooks Drive. The access easement, authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations, shall set forth the rights, responsibilities, and liabilities of the lot owners. The easement document shall include utility access if appropriate and be recorded in the land records of Prince George's County, and the liber and folio reflected on the final plat prior to recordation.
12. Prior to issuance of building permits, certification prepared by a professional engineer with competency in acoustical analysis using the certification template shall be submitted. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
13. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Revise the worksheet to remove the floodplain clearing and clarify how the total off-site clearing under the column for off-site will be provided.
  - b. Remove Woodland Preservation Area A on the plan as woodland conservation, or revise it to meet the minimum criteria for a woodland conservation area.
  - c. Remove General Note 9 and replace the note with "The property is adjacent to Pennsylvania Avenue which is classified as a master planned expressway."
  - d. Revise the legend to show the noise contour symbol and label.

\*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

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- e. Revise the approval block to show the TCP1-001-13 number.
  - f. Have the revised plan signed and dated by the qualified professional who prepared it.
14. The following note shall be placed on the final plat:
- “Prior to signature approval of a TCP2 for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2.”
15. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-13). The following note shall be placed on the final plat:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-13 or most recent revision), 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 and Wildlife Habitat 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, Prince George’s County Planning Department.”
16. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
17. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
18. Prior to issuance of grading permits, the applicant shall submit evidence from the Prince George’s County Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

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1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Setting**—The property is located on the west side of Brooks Drive in the northern quadrant of the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive. The neighboring properties to the north and east are zoned R-10 and developed with multifamily dwellings. The neighboring properties to the west are zoned R-55 (One-Family Detached Residential) and are currently undeveloped. The neighboring properties to the south are zoned R-18 (Multifamily Medium Density Residential) and developed with multifamily dwellings.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development:

|                              | EXISTING | APPROVED                              |
|------------------------------|----------|---------------------------------------|
| Zone                         | R-10     | R-10                                  |
| Use(s)                       | Vacant   | Residential–<br>Multifamily dwellings |
| Acreage                      | 11.04    | 11.04                                 |
| Lots                         | 0        | 0                                     |
| Outlots                      | 0        | 0                                     |
| Parcels                      | 2        | 5                                     |
| Dwelling Units               | 0        | 300                                   |
| Public Safety Mitigation Fee | No       | No                                    |
| Variance                     | No       | No                                    |
| Variation                    | No       | No                                    |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 29, 2013.

4. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The preliminary plan is consistent with the General Plan Development Pattern policies for the Developed Tier by proposing a multifamily dwelling project. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The subject property is located in the 2009 Marlboro Pike Master Plan and SMA area which is encompassed in the boundaries of the 2010 Subregion 4 Master Plan and SMA. However, the adoption of the Subregion 4 Master Plan and SMA does not alter the legal status of the Marlboro Pike Master Plan and SMA as the guiding policy for the area. The Subregion 4 Master Plan builds upon the recommendations in the Marlboro Pike Master Plan. In the event that there are any

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contradictions in the two documents, the Marlboro Pike Master Plan takes precedence. The Marlboro Pike Master Plan retained this property in the R-10 Zone and recommends a residential high-density land use for this area. This preliminary plan is proposing multifamily development which is consistent with the land use recommendations of the Marlboro Pike Master Plan and SMA.

This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface. This property is outside of the 65 dBA Ldn noise contours, so noise attenuation is not required. The property is not in an accident potential zone, so no controls on use or density are required.

The tree conservation plan (TCP) shows five multifamily buildings on-site with one access point onto Brooks Drive across the street from an existing multi-story apartment complex. The TCP shows a conceptual placement of the parking lots around each building that appears to diminish the relationship and connectivity of each structure to one another. In addition, it is noted that the entrance driveway leads to an internal circulation pattern that could be confusing. The applicant should consider making the site more pedestrian-friendly and safe by including areas of open space that could act as connectors to the buildings and soften the visual appearance of the site. The applicant will be required to address the Marlboro Pike design guidelines and the above comments at the time of DSP.

5. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

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

The property is subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Developments from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. It should be noted that Pennsylvania Avenue (MD 4) is categorized as an expressway by the 2009 *Approved Countywide Master Plan of Transportation* (MPO1). A 75-foot-wide landscape buffer, to be planted with a specific number of plants per 100 linear feet of frontage, outside of public utility easements (PUEs), will be required in accordance with Section 4.6(c)(1), Buffering Residential Development from Streets. The applicant will provide the required Landscape Manual buffers at the time of DSP or provide an alternative compliance application for review. Compliance with these regulations for the proposed multifamily residential development will be evaluated at the time of DSP review.

#### **Conformance with the Zoning Ordinance**

Pursuant to Section 27-439 in the R-10 Zone, a DSP is required for all proposed multifamily dwellings (110 feet high and under), including any associated community building or recreational facilities, in accordance with Part 3, Division 9, of the Zoning Ordinance. Multifamily dwellings

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higher than 110 feet shall be governed by an approved SE site plan and DSP. Therefore, prior to the final plat, the proposed multifamily residential development will require a DSP if the proposed buildings are 110 feet high and under. The Site PPS Data Note 5 indicates that the maximum building height proposed is 110 feet. However, if the proposed buildings are higher than 110 feet, the site will be subject to approval of a DSP and SE.

Pursuant to Section 27-441, Uses in the R-10 Zone, multifamily dwelling units in accordance with the bedroom percentages in Section 27-419 are a permitted use in the R-10 Zone, as follows:

**(a) Requirements for multifamily dwellings.**

**(1) The maximum percentages of two (2) or more bedrooms per apartment unit in a separate building or project are as follows:**

**(A) For two (2) bedroom apartments, forty percent (40%); and**

**(B) For three (3) (or more) bedroom apartments, ten percent (10%). Unused percentages for three (3) (or more) bedroom apartment units may be added to the maximum allowed percentages for two (2) bedroom apartment units;**

Development in excess of applicable bedroom percentages requires SE approval.

In addition, at the time of DSP review and approval, the development is required to conform with the Zoning Ordinance regulations, including but not limited to the following:

- Section 27-442, Regulations (Residential Zones)
- Section 27-582 of Part 11 Parking and Loading, and
- Part 12 Signs

**Other Urban Design Comments**

The submitted tree conservation plan shows a conceptual site layout for the proposed multifamily residential buildings that presents some urban design concerns. These issues are discussed for informational purposes as final design review will be done at the time of DSP when additional information is available.

- a. Buildings should be designed to front internal streets and driveways.
- b. Appropriate on-site usable green space and recreational facilities should be provided for future residents. On-site private recreational facilities will be required for the proposed development. Recreation areas should be centrally located on the site, and recreation areas should include active and passive recreational facilities, such as playgrounds, amenity rooms/clubhouses, and walking trails for future residents.

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- c. Efforts should be made to place the proposed buildings close to the street frontage and to avoid large fields of parking between the buildings and the street.
  - d. Pedestrian improvements, such as but not limited to, sidewalk connections, bus shelters, benches, trash receptacles, bike racks, and pedestrian-scaled lighting fixtures should be incorporated into the site design and will be reviewed at the time of DSP review.
  - e. Footnote 6 in Section 27-442 regulations table for the R-10 Zone requires that at least 80 percent of the total number of dwelling units of the multifamily project shall be within buildings having a minimum height of 52 feet. Not more than 20 percent of the total number of dwelling units of the multifamily project may be in buildings of a lesser height. Conformance with these requirements will be reviewed at the time of DSP review.
6. **Environmental**—This preliminary plan has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance (WCO), and the appropriate area master plan. A signed Natural Resources Inventory (NRI-027-12) and Type 1 Tree Conservation Plan (TCP1-001-13) for the subject property has been received and reviewed.

**Conformance to the Master Plan**

The master plan for this area is the 2010 Subregion 4 Master Plan and SMA. In the approved master plan, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

**POLICY 1: Protect, preserve and enhance the green infrastructure network in Subregion 4.**

The site contains regulated and network gap areas within the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). The regulated area is located along the northern boundary of the site and is comprised of wetland, floodplain, and steep slopes associated with the Oxon Run stream valley directly adjacent to the site. The plan proposes to preserve this area with the exception of minor grading for a stormwater management pond and additional grading for the associated outfall. The remainder of the site is within a network gap and the plan proposes to disturb most of this area for the proposed development. The site is located within the Developed Tier. The areas to be preserved and protected are limited to the sensitive environmental areas on the site.

**POLICY 2: Minimize the impacts of development on the green infrastructure network and SCA's.**

The entire site is within this green infrastructure network. The zoning allows for high-density development which usually maximizes development on the site; however, development is limited to the less sensitive areas of the site in keeping with the goal of the Green Infrastructure Plan. This

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site's impacts will not directly impact special conservation areas (SCAs) as identified in Subregion 4.

**POLICY 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.**

The applicant proposes one stormwater management pond to handle stormwater management for the entire project; however, the submitted approved concept plan and letter have expired. A new or revised concept plan is needed to fully assess how water quality will be addressed. The current regulations require that stormwater management be addressed through water quality and quantity using environmental site design (ESD) to the fullest extent practicable. It is very possible that a revised or new concept may require a change to the stormwater management methods used.

**POLICY 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

The subject site has an approved natural resources inventory that provides an account of the existing conditions of the site. The plan is proposing grading within the stream buffer for a stormwater management outfall. The proposed impacts do not warrant stream restoration or mitigation at this time.

**POLICY 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

The approved concept submitted with this application appears to have been approved under the previous stormwater management regulations, which allowed the use of pond structures. The current regulations require the use of ESD techniques as the first option. Because the site needs a new or revised concept plan, ESD should be incorporated in accordance with the current regulations, or as approved by the Department of Public Works and Transportation (DPW&T).

**POLICY 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

The existing stream is located off-site; however, the stream buffer is located along the northern boundary of the subject site. The plan proposes to preserve the existing woodlands within the buffer with the exception of the area impacted for an outfall.

**POLICY 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

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**POLICY 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

The site has frontage on Pennsylvania Avenue (MD 4) which is a master-planned expressway that generates enough traffic to produce noise levels above 65 dBA Ldn. The site is proposing five multifamily buildings. The Subdivision Regulations require that residential development adjacent to a master-planned roadway with a classification of freeway or higher requires a minimum lot depth of 300 feet, in part to address noise-related concerns.

Using the Environmental Planning Section Noise Model and applying an average daily traffic (ADT) count at build-out of 38,051 as indicated on the SHA traffic volume map, and a posted traffic speed of 55 mph, the unmitigated 65 dBA Ldn noise contour is located approximately 330 feet from the center line of Pennsylvania Avenue. The preliminary plan and TCP1 shows the location of the unmitigated 65 dBA Ldn noise contour.

According to the submitted plans, three of the multifamily buildings, on proposed Parcels 1, 4, and 5, will be exposed to transportation noise levels of at least 65 dBA Ldn. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate shell construction methods, and should be required. The acceptable noise level in outdoor activity areas is 65 dBA Ldn or less; however, no outdoor activity areas are shown on the TCP1. All proposed outdoor play areas within the noise impact area will need to be mitigated, and demonstrated at the time of approval of the DSP.

The TCP1 should be revised to show the noise contour symbol in the legend with the proper label. Remove General Note 9 and replace it with the required wording to identify the classification of MD 4.

**POLICY 9: Implement environmental sensitive building techniques that reduce overall energy consumption.**

**POLICY11: Increase the county's capacity to support sustainable development.**

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

**POLICY 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.**

The subject property is not located in the Chesapeake Bay Critical Area.

**POLICY 13: Preserve, restore, and enhance the existing tree canopy.**

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Subtitle 25, Division 3 requires the site to provide ten percent tree canopy coverage. Tree canopy coverage will be addressed by the Urban Design Section at the time of review of the DSP.

The site is also subject to the WCO. The preliminary plan proposes to develop a large portion of the site; however, a majority of the woodland within the PMA will be preserved.

**POLICY 14: Improve the county's capacity to support increases in the tree canopy.**

Tree canopy coverage will be addressed by the Urban Design Section.

**Conformance with Green Infrastructure Plan**

The entire site is within the designated network of the Green Infrastructure Plan, containing regulated and network gap areas. Regulated area is primarily located along the northern boundary of the site and is associated with the Oxon Run stream valley. The remainder of the area is within the network gap. The TCP1 focuses preservation and protection within the regulated area, where woodland preservation is proposed. A limited portion of the regulated area will be impacted for stormwater management. The remainder of the site, mostly network gap, will be developed with the proposed multifamily buildings and associated parking. It is possible that future revisions to the proposed stormwater management design may reduce the proposed impacts to the regulated and network gap areas through the use of ESD, which will focus on water quality and quantity control. The conceptual design as reflected on the TCP1 is in keeping with the goals of the Green Infrastructure Plan and focuses preservation on the most sensitive areas of the site.

**Environmental Review**

An approved Natural Resources Inventory, NRI-027-12, was submitted with the application. The site is fully wooded with 5.43 acres and contains four specimen trees. The TCP1 and the preliminary plan show all of the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

According to mapping research and as documented on the approved NRI, the site contains regulated environmental features which include wetland, wetland buffer, stream buffer, steep slopes, and 100-year floodplain which comprises the on-site PMA. The stream buffer associated with Oxon Run adjacent to the site is also present on the site. The site drains north to Oxon Run which is within the Potomac River Basin. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), are the Croom gravelly sandy loam, Potomac-issue complex, Udorthents reclaimed gravel pits, and Udorthents-Urban land complex. According to available information, Marlboro clay and Christiana complex are not identified on the property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit review process. According to the Sensitive Species Project Review Area (SSSPRA) layer prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. Brooks Drive and Pennsylvania Avenue (MD 4) are not designated scenic or historic roads. The property is in the Developing Tier as reflected in the

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General Plan. According to the approved Green Infrastructure Plan, the site contains regulated and network gap areas within the designated network of the plan.

The site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

A TCP1 has been submitted. The TCP1 shows a reduced gross tract area (11.04 acres) than the approved NRI (12.78 acres). The difference in acreage is due to the reduced area of the overall site during the initial review of this preliminary plan, in which land was removed from the application.

The site has a woodland conservation threshold of 2.16 acres. The TCP1 shows a total woodland conservation requirement of 4.81 acres; however, the proposed 0.03 acre of off-site clearing was not included in the calculation. Therefore, the total requirement is 4.84 acres. The TCP1 proposes to meet the requirement with 1.75 acres of woodland conservation. The remaining requirement, 3.09 acres, will be met with off-site woodland conservation.

The TCP1 shows three specimen trees on-site and one specimen trees off-site. The original submitted TCP1 show the removal of one and preservation of three specimen trees, and the applicant did submit a variance request for the removal of the one specimen tree. The revised TCP1 dated May 28, 2013 shows all four specimen trees are proposed to be preserved. The plan is in general conformance with the WCO.

The worksheet needs to be revised to show the off-site clearing of 0.03 acre. It also needs to be revised to show the 0.04 acre of floodplain clearing in the column for off-site because, although it is within the floodplain, the clearing is not located on the subject site. Woodland Preservation Area A does not meet the minimum criteria to be counted as preservation because it is less than 10,000 square feet in area. Remove Preservation Area A as preservation and revise the worksheet as necessary.

7. **Primary Management Area (PMA)** —This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include wetlands, streams, steep slopes, and 100-year floodplain. Section 24 130(b)(5) states:

- (5) **Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. Any lot or parcel proposed for development shall provide a minimum of one acre of contiguous land area exclusive of any land within regulated environmental features in a configuration that will support the reasonable development of the property. This limitation does not apply to open space and recreational parcels. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

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Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/or minimized. A statement of justification dated June 19, 2013 for the proposed impacts was stamped as received by the Environmental Planning Section on June 20, 2013.

The applicant proposes two impacts to the PMA.

Impact 1 consists of 8,850 square feet within the PMA for a stormwater outfall that is necessary to convey stormwater safely to the stream. The impact also includes some minor grading for the proposed pond; however, this is the result of a previously proposed impact which showed the pond predominately within the PMA. The Planning Board approved this impact because it has been minimized to the fullest extent possible and essential for the development of the site.

Impact 2 is for the grading and fill of an isolated wetland for a retaining wall, circulation, and parking. The isolated wetland is located within the developable portion of the site. The Planning Board approved this impact.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the tree conservation plan submitted for review.

8. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 31374-2009-00, was approved on November 23, 2009 and was valid until May 4, 2010. An approved concept plan has conditions to ensure that development of this site does not result in on-site or downstream flooding. A valid stormwater

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management concept approval letter and plan should be submitted prior to signature approval of the preliminary plan and technical plan submitted with the DSP.

The approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172, Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPW&T.

9. **Parks and Recreation**—This preliminary plan has been reviewed by the Department of Parks and Recreation (DPR) for conformance to the Subdivision Regulations, the approved master plan for area, the Land Preservation and Recreation Program for Prince George's County, the Zoning Ordinance, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation.

#### **Background**

The subject property is located in Capitol Heights between Marlboro Pike and Pennsylvania Avenue (MD 4) on the west side of Brooks Drive. The property is zoned R-10. The subject property is adjacent to Hutchinson Commons Neighborhood Mini Park of The Maryland-National Capital Park and Planning Commission (M-NCPPC) property to the northwest and located approximately one-half mile south of the Greater Capitol Heights/Oakcrest Community Park School Center. The property is currently undeveloped and contains 0.22 acre of 100-year floodplain and 1.45 acres of primary management area (PMA). The plan proposal indicates that there will be 300 multifamily dwelling units distributed over five separate parcels of land.

#### **Analysis**

As part of the application to subdivide this property into parcels, the Subdivision Regulations requires mandatory dedication of parkland for all residential developments. Based on Section 24-134, 15 percent of the net land area would be required for dedication to M-NCPPC for public parklands. The requirement based on the current proposal calculates to 1.62 acres of land. It was concluded that mandatory dedication of parkland is not the best method of ensuring that adequate public parks and recreation are available to the proposed residents and surrounding community.

Section 24-135(b) allows for private recreational facilities to be provided instead of mandatory dedication. Private recreational facilities may be approved by the Planning Board provided the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Secondly, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement (RFA) with this instrument being legally binding upon the subdivider and his heirs, successors and assignees.

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Upon further discussions with the applicant, it is undetermined if the proposed multifamily housing will be senior housing units or traditional market rate housing units. The private recreational facilities should be designed with consideration given to the potential future users of this development. The private recreational facilities should include an appropriate mix of outdoor/indoor facilities and passive/active recreation.

Private recreational facilities should be provided for the site and will fulfill the requirements of mandatory parkland dedication under Section 24-134 of the Subdivision Regulations. The appropriate mix of recreational facilities and location should be determined at the time of DSP.

10. **Trails**—This proposed preliminary plan was reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA) superseded the MPOT recommendation for this area. The master plan apportioned the planning area into separate “living area” and “zones” and the subject property is located in Living Area D, Zone 2, and this area is described in the approved Subregion 4 Master Plan. The master plan recommends that Brooks Drive contain bike lanes along the subject property frontage. Brooks Drive currently contains sidewalks. There are no planned CIP projects for bike lanes at this time. The planned bike lanes could be implemented in the future. No further action is required of this application at this time.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

11. **Transportation**—The property is located at the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive, in the north quadrant. The applicant is proposing to create five new lots from existing Parcels 16 and 164. The applicant is proposing 300 multifamily residential units.

#### **Analysis of Traffic Impacts**

The application is a preliminary plan of subdivision for 300 multifamily residential units. The findings and recommendations outlined below are based upon a review of materials and analyses conducted by the Transportation Planning Section.

Using trip generation rates in the “Transportation Review Guidelines, Part 1,” it is determined that the proposed development would generate 156 AM (31 inbound and 125 outbound) and 180 PM (117 inbound and 63 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, or links in the transportation system:

- Marlboro Pike and Capitol Heights Boulevard (signalized)

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- Marlboro Pike and Brooks Drive (signalized)
- Brooks Drive and Site Access
- MD 4 and Brooks Drive (signalized)

A traffic study dated March 2012 was submitted by the applicant for the critical intersections. Traffic counts for the critical intersections were taken in March 2012. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Transportation Review Guidelines, Part 1."

The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."
- **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. A three-part process is employed for two-way stop-controlled intersections: (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, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in March 2012 and existing lane configurations, operate as follows:

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| EXISTING TRAFFIC CONDITIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |       |                                    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------|------------------------------------|----|
| Intersection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Critical Lane Volume<br>(CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
| Marlboro Pike and Capitol Heights Boulevard                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 929                                    | 763   | A                                  | A  |
| Marlboro Pike and Brooks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1,095                                  | 1,139 | B                                  | B  |
| Brooks Drive and Site Access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ----                                   | ----  | --                                 | -- |
| MD 4 and Brooks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1,134                                  | 1,164 | B                                  | C  |
| *In analyzing un-signalized 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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                        |       |                                    |    |

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program."

Under existing conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

For background traffic conditions a growth rate of 1.0 percent per year was used. The growth rate was projected for three years, the expected build-out date for the site. Background development included Dupont Heights, Greater Capitol Heights, Spaulding Heights, Bradbury Subdivision, Equinox Condos, Suitland Gateway, and Lustine Parcel 3. These approved developments represent 186 single family units, 25 townhouses, 616 multifamily units, and 41,500 square feet of retail space. Background conditions are shown in the chart below.

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| BACKGROUND TRAFFIC CONDITIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        |       |                                    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------|------------------------------------|----|
| Intersection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Critical Lane Volume<br>(CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
| Marlboro Pike and Capitol Heights Boulevard                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1,059                                  | 939   | B                                  | A  |
| Marlboro Pike and Brooks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1,321                                  | 1,371 | D                                  | D  |
| Brooks Drive and Ridley Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ----                                   | ----  | --                                 | -- |
| MD 4 and Brooks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1,316                                  | 1,450 | D                                  | D  |
| *In analyzing un-signalized 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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                        |       |                                    |    |

Under background conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The new trips expected to be generated by the proposed 300 multifamily residential units were added to background traffic to obtain future traffic conditions. The intersections under study, when analyzed with any programmed improvements and total future traffic, including the site trip generation as described, and a distribution of 40 percent east, 20 percent west, 25 percent north, and 15 percent south, operate as follows:

| TOTAL TRAFFIC CONDITIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                       |       |                                    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------|------------------------------------|----|
| Intersection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Critical Lane Volume<br>CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
| Marlboro Pike and Capitol Heights Boulevard                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1,009                                 | 926   | B                                  | A  |
| Marlboro Pike and Brooks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1,159                                 | 1,519 | C                                  | E  |
| Brooks Drive and Ridley Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 15.7*                                 | 15.2* | --                                 | -- |
| MD 4 and Brooks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1,351                                 | 1,474 | D                                  | E  |
| *In analyzing un-signalized 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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                       |       |                                    |    |

Under total conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the "Transportation Review Guidelines, Part 1."

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**Department of Public Works and Transportation (DPW&T) and State Highway Administration (SHA) Comments**

DPW&T provided five written comments:

- a. There are graphic errors in all the CLV worksheets that have adjusted lefts on the eastbound approach. The adjusted AM and PM peak hour left turn volumes should switch positions.

**Comment:** The graphic errors did not affect the CLV worksheets calculations for the intersections.

- b. The northbound left turn volume was left out of the CLV analysis at the Brooks Drive/MD 4 intersection during the PM peak hour. This intersection would be at LOS E.

**Comment:** This is correct for both background and total traffic conditions. The changes were made and reported as part of the review.

- c. The proposed site access is too close to MD 4. It is recommended that the site access be moved to the second median break along Brooks Drive.

**Comment:** This recommendation is supported, and the final submitted plan made this access change.

- d. A left-turn bay should be provided on northbound Brooks Drive at the site access.

**Comment:** This recommendation is supported as a means of providing safe and adequate access to the site.

- e. If the County's Call-A-Bus service is provided to future residents of the development, the property's internal circulation should be designed to accommodate that vehicle.

**Comment:** Proposed on-site circulation appears to support the County's Call-A-Bus service. A circular twenty-two foot two-way driveway or private road provides vehicular access to each of the five proposed buildings.

SHA provided the following comments:

- a. Within the report, Brooks Drive is also referred to as "Brooks Street" and "Brooks Avenue."
- b. The level of service at several intersections drops two letter grades from LOS B to LOS D.

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**Comment:** Under total traffic conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the "Transportation Review Guidelines, Part 1."

#### **Master Plan Roadways**

Brooks Drive was removed from the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA) as an arterial roadway; the current plan does not designate it as a master plan road. MD 4 (Pennsylvania Avenue) is designated in the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA) as an expressway. Adequate right-of-way consistent with plan recommendations exists along both roadways. No further dedication is required of this plan.

#### **Site Access and Circulation**

The site has frontage on Pennsylvania Avenue (MD 4), an expressway, and Brooks Drive. The PPS proposes all five parcels to utilize one access point to Brooks Drive on Parcel 2, and no access is being proposed for Pennsylvania Avenue. The tree conservation plan shows a twenty-two-foot-wide loop driveway or private road encircles the five proposed buildings on the site. MD 4 is a high-volume expressway therefore all access from the site to MD 4 should be denied. Pursuant to Section 24-128(b)(9) of Subdivision Regulations a vehicular access easement will provide interparcel connections and a single access to Brooks Drive for all five \*parcels, unless prior to final plat DPW&T approves one additional vehicular access as discussed at the Planning Board hearing on July 11, 2013. The access easement should be recorded in land records and the liber and folio noted on the final plat. The easement will set forth the rights, responsibilities, and liabilities of the property owners.

The PPS originally showed site access to be located less than 300 feet from the signalized intersection of Pennsylvania Avenue (MD 4) and Brooks Drive. Site access should be moved to the second median break along Brooks Drive, approximately 600 feet from the signal. The revised PPS shows site access to be at the second median break along Brooks Drive, which is supported. A left-turn bay is also recommended at the median break on northbound Brooks Drive to improve traffic safety.

\*At the Planning board hearing on July 11, 2013 the applicant requested and the Planning Board granted a request to allow the applicant the opportunity to obtain one additional access to Brooks Drive if approved by DPW&T prior to final plat. This review would occur with the review of a DSP and/or SE prior to final plat.

Based on the preceding findings, it is determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

\*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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12. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24 122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters**

| <b>Affected School Clusters #</b> | <b>Elementary School 5 Cluster</b> | <b>Middle School 2 Cluster</b> | <b>High School 3 Cluster</b> |
|-----------------------------------|------------------------------------|--------------------------------|------------------------------|
| Dwelling Units                    | 300 DU                             | 300 DU                         | 300 DU                       |
| Pupil Yield Factor                | 0.137                              | 0.064                          | 0.088                        |
| Subdivision Enrollment            | 41                                 | 19                             | 26                           |
| Actual Enrollment                 | 3,518                              | 4,599                          | 6,260                        |
| Total Enrollment                  | 3,559                              | 4,618                          | 6,286                        |
| State Rated Capacity              | 3,753                              | 5,540                          | 7,862                        |
| Percent Capacity                  | 95%                                | 83%                            | 80%                          |

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,762 and \$ 15,020, to be paid at the time of issuance of each building permit.

If the subject property is developed with senior housing, the development will have no impact on school facilities.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

13. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24 122.01(d) and Section 24 122.01(e)(1)(C) and (E) of the Subdivision Regulations.

The proposed development is within the seven minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

| <b>First Due Fire/EMS Company</b> | <b>Fire/EMS Station</b> | <b>Address</b>      |
|-----------------------------------|-------------------------|---------------------|
| 26                                | Capitol Heights         | 6061 Central Avenue |

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Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

#### **Capital Improvement Program (CIP)**

There are no public facility projects in the Prince George's County Capital Improvement Program for Fiscal Years 2011–2016.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

14. **Police Facilities**—The subject property is located in Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 4, 2013.

| Reporting Cycle               | Previous 12 Month Cycle | Emergency Calls | Nonemergency Calls |
|-------------------------------|-------------------------|-----------------|--------------------|
| Acceptance Date<br>03/04/2013 | 2/2013-3/2012           | 6 minutes       | 14 minutes         |
| Cycle 1                       |                         |                 |                    |
| Cycle 2                       |                         |                 |                    |
| Cycle 3                       |                         |                 |                    |

Based upon police response times, the response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on October 11, 2013.

15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed the subject property in dormant water and sewer Category 3, Community System, and will therefore be served by public systems. An active water and Sewer Category 3, obtained through the Administrative Amendment Procedure, must be approved before recordation of a final plat.

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Water and sewer lines in Brooks Drive abut the properties. Water and sewer line extension may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC).

16. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and offer the following comments:

Several tires were observed at the edge of the brush along the property line adjacent to Brooks Drive. All tires must be removed from the property by a licensed scrap tire hauler and documentation of disposal at a licensed scrap tire disposal/recycling facility provided.

17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should 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 preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement along the public rights-of-way as requested by the utility companies.

18. **Historic**—Phase I archeological survey is not recommended on the above-referenced 12.78-acre property located at 2121 Brooks Drive in Capitol Heights, Maryland. The subject property was extensively mined for sand and gravel in the 1960s. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.
19. **Use Conversion**—The subject application is proposing a multifamily development with 300 units in R-10 Zone. An approved special exception or a detailed site plan is required depending on the height for the proposed uses on the site. Nonresidential development on the subject property is proposed, that significantly affects Subtitle 24 adequacy findings, that revision may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
20. **300-Foot Lot Depth and Lot Layout**—The site has frontage along Pennsylvania Avenue (MD 4), a master plan expressway. Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to an existing or planned roadway of freeway or higher classification shall be platted with a lot depth of 300 feet with adequate protection from traffic nuisances. The PPS shows the 300-foot lot depth delineation from Pennsylvania Avenue and Parcels 1–5 meet this requirement. No further action is required with this PPS. However, adverse noise impacts should be reviewed and mitigated if appropriate at the time of review of the DSP, as discussed further in the Environmental finding.

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As discussed throughout the findings, the conceptual development layout shown on the tree conservation plan may be modified at the time of DSP review. The proposed development pattern needs to address landscape buffering, parking and circulation, open space for recreation, and other site design issues at the time of DSP. The changes to the site design of the proposed development could result in a change of parcel layout at the time of DSP review. Changes to parcel layout for site design at the time of DSP could be supported if all of the parcels continue, at a minimum, to meet the required 300-foot lot depth, propose only one access point onto Brooks Drive, and no additional impacts to the primary management area (PMA) occur. The DSP must be in substantial conformance with the PPS.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25<sup>th</sup> day of July 2013, \*and was corrected administratively on August 7, 2013.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj

\*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 8/7/13