

R E S O L U T I O N

WHEREAS, Mohammed Shirazi is the owner of a 5.04-acre parcel of land known as Parcels 72, 127 and 132, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Multifamily Medium Density Residential-Condominium (R-18C); and

WHEREAS, on October 27, 2016, Mohammed Shirazi filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16011 for Skyview Condominiums was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 23, 2017, 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 March 23, 2017, 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 Type 1 Tree Conservation Plan TCP1-010-2016, and APPROVED a Variance from Section 25-119(d), and further APPROVED Preliminary Plan of Subdivision 4-16011 for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide the liber/folio of part of Parcel A to the east.
 - b. Remove general note 17 setbacks.
 - c. Label right-of-way dedication of 50 feet from the centerline of Brinkley Road.
 - d. Update General Note 13 to indicate the amount of road dedication being subtracted from the gross tract area.
 - e. Remove bedroom counts and lot coverage.
 - f. Revise General Note 4 to reflect multifamily dwellings not "condo."

- g. Revise General Note 13 to reflect the density allowed and proposed.
- 2. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along all public rights-of-way.
- 3. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
- 4. Prior to signature approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit two copies of an approved stormwater management concept plan, signed by the Prince George's County Department of Permitting, Inspections and Enforcement, and two copies of the concept approval letter. The stormwater management concept plan approval number and approval date shall be indicated on the preliminary plan and Type 1 tree conservation plan (TCP1). Any required stormwater management facilities shall be shown on the TCP1.
- 5. 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 *Park and Recreation Facilities Guidelines*. The details of the facilities shall be reviewed and approved at the time of detailed site plan.
- 6. Total development within the subject property shall be limited to uses which generate no more than 52 (10 in, 42 out) AM peak trips, and 60 (39 in, 21 out) PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- 7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Add TCP1-010-2016 to the approval block.
 - b. Revise the specimen tree symbol to correctly show the critical root zone.
 - c. Revise the legend to show the revised specimen tree critical root symbol.
 - d. Revise the existing contour symbol to a darker visible symbol.
 - e. Revise the Site Statistics table to remove "total area of existing easement" column.
 - f. Revise the Site Statistics table to reflect the revised net track area.
 - g. Revise TCP Note 1 to read "4-16011" and not "4-16-011."

- h. Add two property owner awareness blocks. (on-site and for off-site owner of Specimen Tree 11 (ST-11)).
 - i. Have the revised plan signed and dated by the qualified professional who prepared it.
- 8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-010-2016). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-010-2016), 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 (M-NCPPC), Prince George’s County Planning Department.”
- 9. Prior to preliminary plan of subdivision approval, the Type 1 tree conservation plan shall have a property owner awareness block for the adjacent property owner of Parcel A (Brinkley Terrace) to be notified about the proposed removal of Specimen Tree 11 (ST-11).
- 10. Prior to preliminary plan of subdivision approval, the following note shall be placed on the Type 1 tree conservation plan which reflects this approval, directly under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on March 23, 2017:

“The removal of 11 specimen trees (Section 25-122(b)(1)(G), ST1, a 34-inch White Oak, ST2, a 41-inch Red Maple, ST3, a 35-inch Red Maple, ST4, a 38-inch Pin Oak, ST5, a 38-inch Southern Red Oak, ST6, a 31-inch Southern Red Oak, ST7, a 34-inch Red Maple, ST8, a 38-inch Southern Red Oak, ST9, a 34-inch Southern Red Oak, ST10, a 42-inch Southern Red Oak, and ST11 a 45-inch Southern Red Oak.”
- 11. 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.”

12. 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.
13. At the time of detailed site plan, the applicant shall provide the following pedestrian improvements:
 - a. Construct a standard sidewalk along the subject site’s entire frontage of Brinkley Road, unless modified by the Prince George’s County Department of Public Works and Transportation.
 - b. Provide an on-site standard sidewalk from the public sidewalk along Brinkley Road to Building 1 and Building 2.
 - c. Provide bike racks accommodating a minimum of five bicycles each at both Buildings One and Two.
14. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of private recreational facilities on-site, for approval prior to submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
15. 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-site for the fulfillment of the requirements of mandatory dedication (Section 24-135(b)), prior to issuance of building permits.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The property consists of three acreage parcels, (Parcels 72, 127 and 132) in the R-18C (Multifamily Medium Density Residential-Condominium) Zone that have never been the subject of a prior preliminary plan of subdivision (PPS). The property also includes a 2,011-square-foot portion of a platted parcel (Part of Parcel A, WWW 55-18) that was conveyed into the site from the abutting property to the east in 1965. The property is currently improved with

1,316-square-foot, one-story dwelling that was constructed in approximately 1964. The existing dwelling and asphalt driveway will be razed to make way for new development.

Sensitive environmental features exist on the property associated with a stream and wetland system that bisects the middle of the property from north to south. As a result, Building 1 will be located on the far western side of the property and is proposed to be a 56,160-square-foot, four-story building with 41 units and a 39,650-square-foot underground garage. Building 2 will be located on the far eastern side of the property and is proposed to be a 78,775-square-foot, four-story building with 54 units and a 40,460-square-foot underground garage. The amenities for Building 1 will include a tot-lot, picnic area, gymnasium and a party room. Building 2 will include all of the same amenities as Building 1 but will also include a swimming pool. The private on-site recreation facilities will be further determined at the time of detailed site plan (DSP).

The property has a large amount of street frontage (634 feet \pm) along Brinkley Road, (MC-701), a master planned major collector roadway. Due to the stream and wetland system that bisects the middle of the property, separate driveway access point are proposed on Brinkley Road on the eastern and western sides of the property to serve each building. In accordance with Section 27-437(e)(1) of the Zoning Ordinance, a DSP is required for all attached and multifamily dwellings, including any associated community building or recreational facilities, in accordance with Part 3, Division 9, of this Subtitle.

The property is 5.04 acres and has a net tract area of 4.75 acres on which density is based. The allowable density for the development of multifamily dwellings is 20 dwelling units an acre if the building(s) proposed exceeds 36 feet in height. If the building(s) do not exceed 36 feet in height the maximum allowable density is 14 dwelling units an acre. In this case, the applicant is proposing to construct buildings exceeding 36 feet in height with an allowable density of 95 dwelling units. If at the time of DSP, the buildings are reduced to a height less than 36 feet, the maximum allowable density is 66 dwelling units.

3. **Setting**—The property is located on the north side of Brinkley Road, approximately 1,950 feet east of its intersection with Fisher Road. The site is bounded to the north, east and west by multifamily condominiums in the R-18 (Multifamily Medium Density Residential) Zone; to the south by Brinkley Road, a master planned major collector roadway, and beyond the Rosecroft Shopping Center in the C-S-C (Commercial Shopping Center) Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	APPROVED
Zone	R-18C	R-18C
Use(s)	SFD (to be razed)	Multifamily
Acreage	5.04	5.04
Parcels	3	1
Dwelling Units:		
Multifamily	0	95
Variance	No	Yes
		25-119(d)
Variation	No	No

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on November 18, 2016.

5. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-16011	TCP1-010-2016	Planning Board	Pending	Pending	Pending
NRI-155-15	N/A	Staff	Approved	9/17/15	N/A

Proposed Activity

This PPS proposes to subdivide three parcels to one buildable parcel, by removing an existing single-family house and constructing two buildings consisting of 95 condominium units. Parking for the units will be located below the two building proposed buildings. The project will also consist of interior roads, stormwater management and a swimming pool facility.

Grandfathering

The project is subject to the current 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

The subject 5.04-acre Skyview Condominiums site is located on Brinkley Road just east of the unnamed driveway for the Huntcrest Condominium complex. A review of the available information indicates that there is a perennial stream and wetland system located within the subject project area. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are five types of Adelphia-Holmdel-Urban land complex, Beltsville-Urban land complex, Collington-Wist-Urban land complex, Croom-Marr-Urban land complex and Sassafras –Urban

land complex. According to available information, Marlboro Clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSPRA) 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 towards the on-site perennial stream which is located centrally on the property and flows in a north to south direction. The on-site unnamed stream drains to Henson Creek, which is part of the Henson Creek Watershed, and then to the Potomac River. The site has frontage on Brinkley Road, which is identified as a Major Collector roadway, which is not identified as a traffic noise generator. No designated scenic or historic roadways are adjacent to the project site. No forest interior dwelling species (FIDS) or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site does not contain any network gap areas.

Conformance with the Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a Countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a Countywide level. As such, each property was reviewed and found to be consistent with the various Countywide and area master plans, County ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), the Prince George's County Department of Health and Human Services, the Prince George's County Department of Environmental Resources, the Prince George's Soil Conservation District, the Maryland-National Capital Park and Planning Commission (M-NCPPC), and the Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

Master Plan Conformance

The subject property is located within Henson Creek Master Plan. The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* contains environmental policies that should be addressed during the review of developments within the plan area. The applicable language of the Henson Creek-South Potomac Master Plan is shown in **bold type** and comments are provided in regular type.

Policy 1: Protect, preserve and enhance the green infrastructure network within the Henson Creek planning area.

The site does not contain any regulated areas, evaluation areas, or network gaps in accordance with the *Approved Countywide Green Infrastructure Plan* (2005).

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area will be provided through the application of best stormwater management practices for stormwater management. The stormwater management concept plan requires the use of four micro-bioretenment facilities to provide for water quality.

Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques to reduce overall energy consumption should be addressed.

Policy 4: Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.

The proposed development is not expected to generate sufficient light pollution to intrude into adjacent residential areas.

Policy 5: Reduce adverse noise impacts to meet State of Maryland noise standards.

The proposed development is not expected to be a noise generator and the adjacent roads do not generate sufficient traffic to result in noise levels above 65 dBA Ldn.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

The *Approved Countywide Green Infrastructure Plan* (2005) indicates that none of the property is within or near the designated network.

Natural Resources Inventory Plan/Existing Features

An approved Natural Resources Inventory (NRI-155-15), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, wetlands, and steep slopes. The FSD report describes four forest stands totaling 8.92 acres dominated by yellow poplar, sweet gum, and red oak.

Woodland Conservation Plan

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-010-2016) was submitted with the PPS application. The plan proposes to remove 1.90 acres (65 percent) of the 2.92 acres of existing woodlands and meet the woodland conservation requirement of 1.48 acres with 0.87 acre of on-site preservation, 0.15 acre of on-site reforestation and 0.46 acre of woodland fee-in-lieu. The woodland preservation area is located within the on-site PMA and stream buffer for the unnamed stream system. Two reforestation areas are located on the east side of the PMA limits, which are planting an existing open area and a former driveway area.

The site contains 11 specimen trees with the ratings of good (Specimen Trees 2, 5, 6, 8 and 9), fair (Specimen Trees 1, 3, 4, 10 and 11) and poor (Specimen Tree 7). All of these trees are located in the eastern portion of the site and outside the PMA. The current design proposes to remove all 11 specimen trees due to the existing topography and grading required for development. Specimen tree removal is further discussed below.

Minor changes are required for the TCP1 prior to signature approval and include:

1. Add TCP1-010-2016 to the approval block.
2. Revise the specimen tree symbol to correctly show the critical root zone.
3. Revise the legend to show the revised specimen tree critical root symbol.
4. Revise the existing contour symbol to a darker visible symbol.
5. Revise the Site Statistics table to remove “total area of existing easement” column.
6. Revise the Site Statistics table to reflex the revised net track area.
7. Revise TCP Note 1 to read “4-16011” and not “4-16-011.”
8. Add two property owner awareness blocks. (on-site and for off-site owner of Specimen Tree 11.)
9. Have the revised plan signed and dated by the qualified professional who prepared it.

Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-010-2016). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-010-2016), 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 (M-NCPPC), Prince George’s County Planning Department.”

Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”

Specimen Trees

Section 25-122(b)(1)(G) 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 Technical Manual.”

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010.

Variance

A Subtitle 25 Variance Application has been submitted dated February 3, 2017. This letter requests the removal of 11 specimen trees in support of redesigned site layout. The TCP1 shows the removal of 11 specimen trees and the limits of disturbance on the plan also show that these trees are to be removed. Specimen Tree 11 (ST-11) is located along the eastern property line off-site and is identified in poor condition. The proposed limit of grading will result in significant disturbance to the critical root zone which will not allow for the survival of Specimen Tree 11. Permission from the adjacent owner will be required for the removal of this tree and the adjacent property owner will have to sign the owner notification block on TCP1-010-2016. If the applicant is unable to secure the agreement from the abutting property owner of Parcel A, the limit of disturbance shall be adjusted to ensure the survival of specimen tree 11 (ST-11) prior to signature approval of the TCP1.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted addresses the required findings for removal of all 11 specimen trees.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The property is bisected (east and west side) by a perennial stream and the associated primary management area (PMA) and buffers. All the specimen trees are located in the eastern half of the site, which has a knoll present that affects grading of the site. To

develop the eastern portion of the site the knoll has to be cut and grading has to be completed to make the site suitable for development.

The condition and locations of the specimen trees proposed for removal is a special condition peculiar to the property. All of these factors occurred beyond the owner's control and have created an unwarranted hardship for this site.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

If other properties include trees in a similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

The removal of specimen trees in the most developable areas is generally supported if the tree could become a hazard. These trees will be affected by the mass grading that must occur to prepare the site for development. If other properties include trees in a similar location and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The site contains an existing single-family dwelling and a long driveway from Brinkley Road. The remainder of the site is undeveloped and wooded. The applicant has taken no action to date on the subject property.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property;

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size with respect to the specimen trees to be removed. Specimen Tree 11 (ST-1), which is located off-site along the eastern property, will have the critical root zone affected by the mass grading for development. This tree has been identified in "poor" condition and will require the permission of the adjacent owner for removal, or the limit of disturbance (LOD) shall be adjusted to not impact the critical root zone.

(F) Granting of the variance will not adversely affect water quality.

Granting the variance to remove 11 specimen trees will not directly affect water quality because the site will have to follow strict stormwater management requirement and sediment control. Specific requirements regarding stormwater management for the site will be further reviewed by DPIE.

The Planning Board finds that the required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of 11 specimen trees and **approval** of the variance.

Regulated Environmental Features/Primary Management Area

Wetlands, streams and a 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the PMA on the subject property in accordance with the Subdivision Regulations. The Subdivision Regulations requires that: "...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." (Section 24-130(b)(5)). Impacts to the regulated environmental features should be limited to those that are necessary for the 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 and exhibits for the proposed impacts were received on February 3, 2017.

The PPS proposes impacts to the PMA for two stormwater management outfalls, removal of an existing driveway, culvert extension, and road improvements. The current Environmental Technical Manual (ETM) provides guidance in determining if a site has been designed to meet the threshold of "fullest extent possible." The first step in the evaluation is determining if an impact is avoidable. If an impact cannot be avoided because it is necessary for the overall development, the next step is to minimize the impact. If an impact cannot be minimized, mitigation if proffered may be considered depending on the extent of the impact. The following is a summary of each impact requested.

Impact 1

This impact of 653 square feet of PMA (313 square feet of wetland and 321 square feet of wetlands buffer) is for the construction of a stormwater management outfall structure and rip-rap. The outfall structure is for the west side of the development and is from an on-site micro-bioretenention stormwater facility. The impacts for this area are located in a forested area within the PMA.

Avoidance/Minimization Analysis

This impact is unavoidable and is necessary to safely convey stormwater to the wetland system. The Planning Board approves this impact.

Impact 2

This impact of 659 square feet of PMA (77 square feet of wetland and 482 square feet of wetlands buffer) is for the construction of a stormwater management outfall structure and rip-rap. The outfall structure is for the east side of the development on-site micro-bioretenention stormwater facility. The impacts for this area are located in a forested area within the PMA.

Avoidance/Minimization Analysis

This impact is unavoidable and is necessary to safely convey stormwater to the wetland system. The Planning Board approves this impact.

Impact 3

Road Improvements / Culvert Extension - This request proposes to impact 4,913 square feet of PMA (0 square feet of wetlands and 347 square feet of wetlands buffer, and 60 linear feet of stream bed) impacts for road improvements to the existing Brinkley Road and culvert extension as required by DPIE. The impacts are to widen Brinkley Road and to extend the existing culvert structure due to the road widening.

Avoidance/Minimization Analysis

These impact areas were discussed in a meeting with the applicant, M-NCPPC (Subdivision Section and Environmental Planning Section) and DPIE. This meeting was to determine road widening and better access for the project, because of the location of the PMA and existing access points along Brinkley Road. It was determined that the initial access points proposed for the site would not work and that two safer access entrances would be required. This project is also required to provide road widening and as part of the work the existing culvert system needs to be extended beyond the road improvements. DPIE requires this road work as part of this project. These impacts are necessary for the development of the property and cannot be avoided or minimized. The Planning Board approves these impacts.

Impact 4

The request consists of removal of the existing driveway surface for the on-site single-family dwelling. This impact is located within an un-forested area located in 1,894 square feet of the stream buffer. Once, the driveway is removed the area will be used to meet the project reforestation requirement.

Avoidance/Minimization Analysis

The existing driveway is no longer needed as part of the subdivision. The Planning Board approves 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 (LOD) shown on the impact exhibits with conditions. The impacts are for two stormwater management outfalls, culvert extension, and road improvements on Brinkley Road and the removal of an existing driveway.

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.”

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.

Noise

The site has frontage on Brinkley Road, which is identified as a Major Collector roadway, which is not identified as a traffic noise generator. No further information is required for noise at this time.

Soils

The predominant soils found to occur according to the USDA NRCS Web Soil Survey are five types of Adelphia-Holmdel-Urban land complex, Beltsville-Urban land complex, Collington-Wist-Urban land complex, Croom-Marr-Urban land complex and Sassafras-Urban land complex. According to available information, Marlboro clay does not occur on or in the vicinity of this site.

This information is provided for the applicant's benefit. No further action is needed as it relates to this PPS. A soils report may be required by the Prince George's County Department of Environmental Resources (DOE) during the permit process review.

6. **Community Planning**—The subject application is located in Planning Area 76B within the Henson Creek Community, and within the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* Planning Area. The 2006 Henson Creek-South Potomac Master Plan and SMA retained the subject property in the R-18C Zone, (Multifamily Medium Density Residential-Condominium Zone), and recommended a high-density residential land use for the property. This application proposes a multifamily development with up to 95 units that conforms with the residential, high-density, land use recommendation of Henson Creek-South Potomac Master Plan and SMA.

Plan Prince George's 2035, the approved General Plan, designates the area in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low- to medium-density development. This application is consistent with the Established Communities Growth Policy in Plan Prince George's 2035.

7. **Parks and Recreation**—The PPS was reviewed for conformance with the requirements and regulations of the Henson Creek Master Plan Area (76B), the *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations as they pertain to public parks and recreation.

The subject development is not adjacent to any existing M-NCPPC-owned parkland. The current development proposal calls for two multifamily buildings with 95 dwelling units which equates to a density of approximately 25 units per acre. The total number of residential units will generate approximately 228 new residents.

An intermittent stream with the associated buffers bisects the property. The proposed development plan shows two multifamily buildings with underground parking on both sides of this environmental feature. The second building (Building 2) will include a swimming pool and patio for use by the residents.

As per Section 24-134(a)(1) of the Subdivision Regulations, residential subdivisions within this proposed density may be required to dedicate 15 percent of their land to M-NCPPC for public parks. In this case, application of the mandatory dedication requirement would require the dedication of 0.56 acre of land to M-NCPPC. Due to the amount and location (not contiguous to existing parkland) of land available for dedication, dedication of public parkland would not be desirable nor provide much benefit to the parks system. The future residents would be best served by the provision of private on-site recreational facilities in order to meet the requirements of mandatory park dedication (Section 24-135(b)).

Existing environmental features bisect the middle of the site from north to south. As such, the applicant is encouraged to provide a design that would ensure that all future residents have reasonable pedestrian access to the pool that is proposed on the eastern portion of the site and any other recreational facilities that are proposed to be provided.

At the time of review of the required DSP, pedestrian access to the recreational facilities from the west side to the east side shall be provided via a sidewalk system within the public right-of-way. If sidewalks are not required during street construction permit process for frontage improvements along Brinkley Road the pedestrian connections shall be provided on-site. If at the time of review of the DSP an appropriate level of pedestrian comfort, including appropriate lighting and landscaping, cannot be provided the applicant shall provide separate but equal recreational facilities for the eastern and western pods of development.

8. **Trails**—The subject PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (area master plan) in order to provide the appropriate recommendations.

Note: *If a master plan trail is within a City, County, or State right-of-way, an additional two to four feet of dedication may be required to accommodate construction of the trail.

The PPS was reviewed for conformance with the MPOT and the area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is along the north side of Brinkley Road. Existing apartment complexes are on both sides of the site and Rosecroft Shopping Center is on the south side of Brinkley Road opposite the subject site. The at-grade crossing for the Henson Creek Trail is east of the frontage of the subject site. The MPOT recommends continuous sidewalks and designated bike lanes along Brinkley Road. The text from the MPOT regarding this recommendation states:

Brinkley Road Sidewalks and Designated Bike Lanes: These facilities will provide pedestrian and bike access from surrounding communities to schools, shopping centers, and the Henson Creek Trail (MPOT, page 23).

The MPOT includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

Policy 1: Provide standard sidewalks along both sides 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.

A standard sidewalk is recommended along the site's entire frontage of Brinkley Road. The ultimate provision of the bike lanes along Brinkley Road can be accommodated within this right-of-way. However, the currently configuration of the road in the immediate vicinity of the

subject site is for two travel lanes and a paved shoulder along both sides. This will adequately accommodate bikes along the road and to the Henson Creek Trail until the ultimate cross-section of the road with designated bike lanes is constructed. The provision of sidewalk connections to both buildings that link the proposed condominium units with the public sidewalk is also recommended along Brinkley Road.

The PPS fulfills the intent of applicable master plans and functional plans, and meets the findings required for PPS approval, with conditions.

9. **Transportation**—The subject property consists of 5.04 acres of land in the R-18C Zone. The site is 1,950 feet east of the intersection of Brinkley Road and Fisher Road. The property is improved with an existing house which will be razed to make room for the proposed development.

Transportation Findings

The 100-multifamily unit will be adding a net total of 52 (10 in, 42 out) AM peak trips, and 60 (39 in, 21 out) PM peak trips. These rates were determined by using the “Transportation Review Guidelines, Part 1” (Guidelines)

The traffic generated by the proposed PPS will impact the following (critical) intersections:

- Oxon Hill Road (MD 414) and St. Barnabas Road
- Brinkley Road and St. Barnabas Road
- Brinkley Road and Glen Rock Avenue
- Brinkley Road and Fisher Road
- Brinkley Road and Temple Hills Road
- Building 1 site access and Brinkley Road (unsignalized)
- Building 2 site access and Brinkley Road (unsignalized)

All of the intersections deemed critical are projected to operate within the transportation adequacy thresholds.

The subject property is located within the Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. 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. 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, (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; (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.

Traffic Impact

It was anticipated that greater than 50 trips would be generated during either peak hour, consequently, a traffic impact study (TIS) was requested, and submitted, dated June 2016. In reviewing the TIS, a number of issues were raised by the Prince George's County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). Consequently, the applicant revised the TIS reflecting the concerns of the agencies dated January 2017. Using data from this revised TIS, the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Oxon Hill Road (MD 414) and St. Barnabas Road	A/916	C/1,258
Brinkley Road and St. Barnabas Road	A/307	A/690
Brinkley Road and Glen Rock Avenue	B/1,139	A/871
Brinkley Road and Fisher Road	A/793	A/851
Brinkley Road and Temple Hills Road	B/1,077	C/1,207

In evaluating the effect of background traffic, the TIS included four developments. Additionally, an average growth of one percent for six years was applied to the through traffic volumes. Combining the effect of background developments plus regional growth, a second analysis was done. The table below shows the results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Oxon Hill Road (MD 414) and St. Barnabas Road	A/929	D/1,332
Brinkley Road and St. Barnabas Road	A/329	A/746
Brinkley Road and Glen Rock Avenue	C/1,224	A/949
Brinkley Road and Fisher Road	A/888	A/939
Brinkley Road and Temple Hills Road	B/1,039	C/1,250

Regarding the total traffic scenario, the TIS applied trip generation rates for multifamily residential based on trip rates from the Guidelines. Based on the original 100 proposed dwelling units, the new trips were computed as 52 (10 in, 42 out) AM peak trips, and 60 (39 in, 21 out) PM peak trips. The study assumed a trip distribution of 25 percent to/from the east of Brinkley Road, and 75 percent west of Brinkley Road. A third analysis (total traffic) revealed the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Oxon Hill Road (MD 414) and St. Barnabas Road	A/943	D/1,355
Brinkley Road and St. Barnabas Road	A/336	A/755
Brinkley Road and Glen Rock Avenue	C/1,256	A/978
Brinkley Road and Fisher Road	A/920	A/968
Brinkley Road and Temple Hills Road	B/1,096	C/1,262
Building 1 Site Access Brinkley Road*	14.9 seconds	15.8 seconds
Building 2 site Access Brinkley Road*	15.3 seconds	15.9 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The results of the traffic analyses show that under total traffic, all of the critical intersections including the site access were deemed to be operating adequately.

Comments from the Department of Public Works and the State Highway Administration

Comments from DPW&T and SHA were received. The following are some of the salient issues raised by those agencies:

- “• Two critical intersections along Brinkley Road (Rosecroft Road, Rosecroft Shopping entrance) were omitted from the study and should have been included in the analysis.
- “• There seems to be issues related to the quality of the tuning movement counts (TMC). There are TMC succeeding and preceding intersections that do not balance quite well within the same period.
- “• An intersection sight distance evaluation should have been performed at the proposed site access points due to the horizontal curvatures along Brinkley Road within the vicinity of the development
- “• The trip distribution heading into the site for both peak periods shown on Figure 4-2 was not calculated based on the scoping agreement. Please distribute the trips generated based on the 25% eastbound 75% westbound site trip distribution going into the site as outline in the scoping agreement.”

All of the original comments from County and State agencies have been properly addressed in the revised TIS.

Master Plan, Right of Way Dedication

The property is located in an area where the development policies are governed by the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. The Henson Creek-South Potomac Master Plan recommends that Brinkley Road be upgraded to a major collector (MC-701), which will consist of a 2- to 4-lane cross-section with an 80- to 116-foot-wide right-of-way. Discussions between representatives from the County and the Transportation Planning Section have resulted in the applicant being required to dedicate 50 feet of right-of-way from the existing center line of Brinkley Road. The proposed PPS reflects the agreed upon dedication. None of the recommendations of the plan will require additional widening of any street on which the proposed development fronts.

Transportation Conclusions

Based on the preceding findings, the plan conforms to the required findings in Section 24-124(a) for approval of the PPS.

10. **Schools**—The PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters
Multifamily Units

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 5	High School Cluster 5
Dwelling Units	*100 DU	*100 DU	*100 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	12	5	7
Actual Enrollment	5,333	1,924	3,545
Total Enrollment	5,345	1,929	3,552
State Rated Capacity	6,900	2,580	5,251
Percent Capacity	77%	75%	68%

Note: * The applicant initially proposed 100 dwelling units at the time of acceptance but the number of dwelling units has since been reduced to 95 units.

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 Interstate 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. Council Bill

CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within one-quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018. 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.

11. **Fire and Rescue**—The PPS was 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.

Section 24-122.01(e) (1) (E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Oxon Hill Fire/EMS, Company 821, a first due response station (a maximum of seven minutes travel time), located at 7600 Livingston Road. “In the Fire/EMS Department’s Statement of Adequate Apparatus, as of July 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

Capital Improvement Program (CIP)

The Prince George’s County FY 2016-2021 Approved CIP provides funding for replacing the existing station with a new four-bay Fire/EMS station.

12. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. 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 PPS was accepted for processing by the Planning Department on October 27, 2016.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 10/27/2016	12/2015-1/2015	7 minutes	15 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information as of December 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls, were met on November 1, 2016.

13. **Water and Sewer Categories**—Section 24-122.01(b)(1) 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 this property in water and sewer Category 3, Community System Adequate for Development Planning, and will therefore be served by public systems. The property is within Tier 1 under the Sustainable Growth Act, and will therefore be served by public systems.
14. **Use Conversion**—The subject application is proposing the development of 95 multifamily dwelling units. If a substantial revision to the use on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new PPS shall be required prior to approval of any building permits.
15. **Public Utility Easement (PUE)**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) along both sides of all public rights-of-way. The property’s street frontage is along Brinkley Road, and the applicant has provided the required public utility easement along their side of the public street.

In accordance with the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner’s dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Prince Georges County Land Records of Prince George’s County in Liber 3703 at Folio 748.”

16. **Stormwater Management**—An approved Stormwater Management Concept Plan (27522-2016-00) and letter was submitted with the subject application. Proposed stormwater management features include four micro-bioretenion facilities. The site will be required to pay a stormwater management fee-in-lieu of providing on-site attenuation/quality control measures. Development must be in conformance with the approved SWM plan and any subsequent revisions

to ensure that development of this site does not result in any on-site or downstream flooding. No further information pertaining to stormwater management is required.

17. **Historic**—There is a single-family residence located on the subject property that was constructed in 1964 and is to be razed. 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. Phase I archeological survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources, or known archeological sites.
18. **Urban Design**—The use is permitted in the R-18C Zone. Conformance with the requirements for development in the zone will be evaluated at the time of DSP review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. Conformance with this requirement will be evaluated at the time of DSP review.

Private Recreation Facilities

The applicant is required to provide private recreation facilities based on the number of residents in the two multifamily buildings. At present, the outdoor recreational facilities shown on the PPS include a swimming pool for resident's use. It is not clear how residents in Building 1 will access the facility. The recreational facilities should be expanded to include both active and passive recreational facilities. Further evaluation of the proposed recreation facilities will be done at the time of DSP review. The applicant should consider the utilization of green building techniques in the construction of the two residential buildings.

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, March 23, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:JF:rpg