THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 14-17

File No. DSP-13012

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on March 13, 2014 regarding Detailed Site Plan DSP-13012 for Conifer Village at Oakcrest, the Planning Board finds:

1. **Request:** The application proposes construction of 120 senior, age-restricted units of multifamily housing in a single building in the Multifamily High Density Residential (R-10) Zone.

   The Statement of Justification filed and accepted with the detailed site plan identified the development proposal as apartments for seniors. The applicant subsequently provided to the staff a letter dated February 25, 2013, from the Prince George's County Executive, Rushern Baker, which both supports the proposed senior housing and agrees to provide a local contribution as a part of the applicant's application with the Maryland State Department of Housing and Community Development (CDA). An application to finance the development proposal as shown in this detailed site plan as senior housing has been filed with the CDA. In the event that multifamily housing that is not characterized as senior and age restricted housing is no longer proposed for the subject property, this detailed site plan would be required to be revised to modify elements of the approval, such as parking ratios and recreational facilities, that are premised on that type of housing.

2. **Development Data Summary:**

	Existing	**Approved**
Zone	R-10	R-10
Uses	Vacant	Senior, Age-Restricted Multifamily
Acreage	4.343 (Parcel A)	4.343 (Parcel A)
Multifamily Units	0	120

3. **Location:** The subject project is located in the northwestern quadrant of the intersection of Brooks Drive and Ridley Street, in Planning Area 75A, Council District 7, and the Developed Tier.

4. **Surrounding Uses:** The subject site is surrounded to the northwest by a townhouse development in the One-Family Detached Residential (R-55) Zone; to the northeast by a church in the Commercial Shopping Center (C-S-C) Zone; to the east by Brooks Drive, a 120-foot-wide public right-of-way, with multifamily residential use in the Multifamily Medium Density Residential (R-18) Zone beyond; to the south and southwest by Ridley Street, a 70-foot-wide private right-of-way dedicated to public use, with multifamily residential use in the R-10 Zone beyond.

5. **Previous Approvals:** The project herein approved is subject to the requirements of Preliminary Plan of Subdivision 4-11007, which was approved by the Prince George's County Planning Board on January 12, 2012. A resolution of approval for the preliminary plan, PGCPB Resolution No. 12-03, was adopted by the Planning Board on February 2, 2012, formalizing the approval. On December 20, 2012, the Planning Board reconsidered the preliminary plan and approved new findings and conditions. The amended resolution, PGCPB Resolution No. 12-03(A) was approved by the Planning Board subject to 15 conditions, which approval is valid until January 24, 2015. The site is also the subject of Stormwater Management Concept Plan 32661-2009-00, approved by the Department of Public Works and Transportation (DPW&T) on May 4, 2013 and valid for three years, or until May 4, 2016.

6. **Design Features:** The site has a single vehicular access from its Brooks Drive frontage, leading into the main parking area. A six-foot-wide trail commences from the neck of the accessway parallel to the most proximate parking area. In order to facilitate pedestrian access, a condition of this approval requires that, prior to signature approval, the trail be extended along the southern side of the vehicular accessway connecting the on-site trail with the sidewalk along Brooks Drive. The six-foot-wide trail extends from the accessway along the perimeter of the parking areas as it travels in a circular fashion around the site, through a landscaped area behind the building, by an exercise area which contains three fitness stations, eventually leading to the terrace adjacent to the building. A trail connection previously shown from the site to Ridley Street was deleted by the Planning Board to discourage passersby from traveling onto the site. The terrace contains four tables and chairs, proximate to a lawn court to be utilized either for badminton or bocce. A separate horseshoe pit is provided proximate to the patio area. By condition of this approval, the applicant is required to specify the recreational facilities being provided for the project and clearly label the facilities on the site plan and to describe them in detail in a general note.

   The architecture of the project uses varied forms, fenestration patterns, architectural details, and a variety of materials such as lap siding, stone veneer, and fiber cement panels in several red, white, and neutral tones to create visual interest. Additionally, several pediments on each side above either a window detail or a porch create interest in the roof line. The building is anchored by the use of stone veneer on the bottom one, two, or three stories, and by the use of a repetitive arched feature which anchors and gives dimension to the architecture.

7. **Zoning Ordinance:** The proposed project is designed in accordance with the requirements of Section 27-439, R-10 Zone (Multifamily High Density Residential); Section 27-441, Uses Permitted in Residential Zones; and Section 27-442, Regulations for Residential Zones of the Zoning Ordinance. The subject project also conforms to the requirements of Section 27-285(b)(1) and (4), the required findings for a DSP.

8. **Preliminary Plan of Subdivision 4-11007:** The project site is subject to the relevant requirements of the approval of Preliminary Plan of Subdivision 4-11007 approved by the Planning Board on January 12, 2012 and formalized in PGCPB Resolution No.12-03, adopted by the Planning Board on February 2, 2012. On December 20, 2012, the Planning Board reconsidered

the preliminary plan and approved new findings and conditions. The amended resolution, PGCPB Resolution No. 12-03(A) was approved by the Planning Board subject to 15 conditions, which approval is valid until January 24, 2015. The relevant requirements of that approval are included in **boldface** type below followed by Planning Board comment.

2. **Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-008-11). The following note shall be placed on the final plat of subdivision:**

> **"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP1-008-11), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Planning Department."**

Conformance to the requirements of this condition is triggered at the later time of final plat approval. The Planning Board hereby finds that none of the environmentally-related conditions of PGCPB Resolution No. 12-03(A) are relevant to the subject approval.

3. ***[Prior to approval of the detailed site plan for Parcel A, a valid stormwater management concept approval letter shall be submitted.] <u>Development of this site shall be in conformance with the approved Stormwater Management Technical Plan 32661-2009-00, and any subsequent revisions.</u>**

The site is the subject of approved Stormwater Management Concept Plan 32661-2009-00 approved May 4, 2013 and valid for a period of three years. In a memorandum dated December 17, 2013, the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject DSP does not conform to the requirements of that concept. However, a condition of this approval requires that, prior to certificate approval of the plan, the applicant submit documentation from DPIE that the subject DSP conforms to the requirements of the approved stormwater management concept plan for the site.

5. **Prior to approval of the detailed site plan, the private on-site recreational facilities for Parcel A shall be reviewed by the Urban Design Section (M-NCPPC) for adequacy and an appropriate mix of recreational facilities. A payment of a fee to supplement the requirements of mandatory dedication may be determined at the time of approval of the detailed site plan and *[is] to be paid prior to final plat approval.**

The on-site recreational facilities, both indoor and outdoor, have been reviewed by the Planning Board and found to be adequate, except as previously mentioned regarding the need to more particularly label and describe the recreational facilities to be provided on the DSP. In addition, the list of proposed recreational facilities includes a guest suite, which is not classified as a recreational facility by the *Park and Recreation Facilities Guidelines* because it is an integral element of the senior, age-restricted multifamily building, and is not a recreational facility in and of itself. A condition of this approval requires that, prior to signature approval, the applicant delete the guest suite from the table for the value of recreational facilities provided. Although this condition would allow the applicant to pay a fee to supplement the requirements of mandatory dedication at the time of approval of a DSP for the project, the applicant did not make a proffer in this respect.

6. **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 recreational facilities on Parcel A for approval prior to submission of the final plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records.**

This requirement is triggered at the later time of prior to submission of the final plat for the subject property.

7. **Prior to issuance of building permits for Parcel A, 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 Parcel A.**

This requirement is submitted at the later time of issuance of building permits for the subject project.

8. **At the time of final plat, the applicant shall *[dedicate] <u>grant</u> a ten-foot public utility easement (PUE) on Parcel A along the <u>north side of Ridley Street and the west side of Brooks Street (Public rights-of-way).</u> [public right-of-way as delineated on the approved preliminary plan of subdivision. For Parcel B, the applicant shall provide a ten-foot public utility easement (PUE) or alternative easement acceptable to all applicable utilities, in conjunction with the final plat approval.]**

Though this requirement is not triggered until the later time of approval of a final pat for the subject property, the public utility easement is actually already correctly shown on the DSP.

10. **Total development within Parcel A shall be limited to uses which generate no more than 62 (12 in, 50 out) AM peak hour trips, and 72 (47 in, 25 out) PM peak hour trips. *[Total development within Parcel B shall be limited to uses which generate no more than 218 (44 in, 174 out) AM peak hour trips, and 252 (164 in, 88 out) PM peak hour trips.] Any development generating an impact greater than that identified**

herein above shall require a new determination of the adequacy of transportation facilities.

The DSP, which includes 120 senior, age-restricted multifamily residential units, does not exceed this trip cap.

11. **Prior to approval of the detailed site plan *<u>and/or special exception</u> for Parcel A, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following road improvements, unless modified by the Department of Public Works and Transportation (DPW&T) and M-NCPPC in the detailed site plan review:**

    a. **Provide a second access point onto Ridley Street for Parcel A. The second access point should be across from the existing entrance on Ridley Street for Parcel B, near Gethsemane Way.**

    *[b. **Provide five-foot-wide sidewalks along Ridley Street. The sidewalk should be constructed with a minimum five-foot-wide landscaped setback between the sidewalk and curb as recommended in the 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment.*]**

    *[c]<u>b</u>. **Provide a sidewalk connection from the interior of the site to a sidewalk along Ridley Street.**

In a supplementary email received February 21, 2014, the Planning Board stated that, with respect to Subpart (a) above, no access points are shown onto Ridley Street from Parcel A. A commercial driveway onto Brooks Drive with a median break allowing left turns into the site from the south/west (but no left turns out of the site) is proposed. Left turns leaving the site could proceed to the median break at Ridley Street and complete a U-turn at that point; the median is sufficiently wide to provide adequate refuge for the very limited number of vehicles per hour that would make this movement. This access and its design have been discussed with representatives of DPIE. Pending finalization of the design by DPIE, this access arrangement is deemed to be acceptable and generally consistent with the requirements of Condition 11. The Planning Board found that the required sidewalks are provided on the site plan as required by Subpart (b) of the above-cited Condition 11.

12. **Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of permits.**

This requirement is inapplicable to the subject project as the approved development is senior, age-restricted multifamily residential.

13. **Prior to final plat approval, a special exception (SE) shall be approved for all proposed multifamily residential dwellings on Parcel A in buildings over 110 feet high, including any associated community buildings or recreational facilities, in**

accordance with Part 4, Division 1 of Subtitle 27 of the County Code. After the SE approval, a DSP including any associated community buildings or recreational facilities shall also be approved, in accordance with Part 3, Division 9 of Subtitle 27.

This requirement is triggered at the later time of approval of a final plat for the subject project. In any event, the building's height, 52 feet, does not exceed the 110-foot trigger for this requirement.

14. **Prior to the issuance of any building permits for each phase of 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 Ridley Street. At the time of detailed site plan, if there is no access directly to Ridley Street from Parcel A, the construction of the northbound left lane on Brooks Drive is not required.**

Although this requirement is triggered at the later time of issuance of building permits for the project, the Planning Board hereby finds:

- On the current plan, no vehicular access is shown to Parcel A from Ridley Street. Given that the issue of access from Ridley Street has been resolved, it appears that Condition 14 is no longer applicable.

The Planning Board also found with respect to Conditions 11 and 14 of the Preliminary Plan 4-11007:

- At the time of approval of the preliminary plan, there was a concern for access for Parcel A. Condition 11 requires that, at the time of approval of a DSP, a second access point be provided onto Ridley Street for Parcel A unless modified by DPW&T and the Planning Board. Condition 14 provided flexibility in the access location for Parcel A, but it does not provide a guarantee that no access should be on Ridley Street. The revised DSP dated February 5, 2014 shows only one access point for Parcel A from Brooks Drive and no access onto Ridley Street. The applicant has met with representatives of DPW&T regarding the access point for Parcel A and, with DPW&T's agreement, the applicant has proposed a median break on Brooks Drive to allow a left-turn lane on the northbound lane of Brooks Drive for direct access to Parcel A as reflected on the revised DSP. This proposed redesign of Brooks Drive would eliminate the need for multiple U-turns to access the site and seems to be adequate. The Planning Board, noting support from DPW&T, finds that conformance to the requirements of Conditions 11 and 14 has been adequately addressed with the submitted revised DSP as they provide flexibility in the access location for parcel A, and the median break would eliminate the need to make a U-turn in order to access the site.

*15. **The applicant shall provide standard sidewalks along the property's entire street frontages unless modified by the Department of Public Works and Transportation (DPW&T).**

A six-foot-wide sidewalk is specified along Ridley Street, and a standard one is shown along Brooks Drive in conformance with this requirement. The Planning Board hereby finds that Gethsemane Way, which is parallel to the site's northwestern property line, is a private street and not immediately adjacent to the subject property. Therefore, this requirement does not apply along the site's northwestern property line.

9. **2010 Prince George's County Landscape Manual:** The DSP approved herein is subject to the requirements of Section 4.1, Residential Requirements for Single-Family Detached Dwellings; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements ; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board has reviewed the submitted site plan against the requirements of the above-cited sections of the Landscape Manual and found them in conformance with all of the relevant requirements.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved tree conservation plan. Further, the site is the subject of approved Type 1 Tree Conservation Plan TCP1-008-11 and submitted Type 2 Tree Conservation Plan TCP2-039-13, which the Planning Board is approving herewith subject to conditions that bring the project into conformance to the requirements of the WCO. Therefore, the subject project conforms to all of the applicable requirements of the WCO.

11. **Prince George's County Tree Canopy Coverage Ordinance:** The project is subject to the requirements of the Tree Canopy Coverage Ordinance. The applicant has included the correct tree canopy coverage (TCC) schedule on Sheet 1 of the landscape plan submitted for the project. The TCC schedule correctly reflects that 15 percent tree canopy coverage is required for the subject project due to its presence in the R-10 Zone. As the site measures 4.91 acres, 15 percent would equal 0.7365 acre, or 32,082 square feet, of required tree canopy. The applicant has met and exceeded this TCC requirement as follows:

Source of TCC	In acreage	In square feet
On-site woodland conservation provided	0.61	26,572
Non-woodland conservation existing trees	0.04	1,742
Square footage in landscape trees		24,225
Total tree canopy provided		52,539

12. **Further Planning Board Findings and Comments from Other Entities:**

a. **Historic Preservation**—The Planning Board's review of DSP-13012, Conifer Village at Oakcrest, found that the project would have no effect on identified historic sites, resources, or districts.

b. **Archeological Review**—A Phase I archeological survey was not required for the site as a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of finding archeological artifacts within the subject property is low as the subject property had been previously graded and disturbed. The subject approval will not impact any historic sites or resources, or otherwise documented properties.

c. **Community Planning**—The subject approval conforms to the residential high land use recommendation of the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) and the vision of the 2002 *Prince George's County Approved General Plan* of a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. With respect to the subject property's location within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) impact area, the Planning Board found that the property is within an area of the ILUC known as Imaginary Surface F with a 500-foot height limitation above the runway surface; is outside the 65 dBA Ldn noise contour, making noise attenuation unnecessary; is not in the accident potential zone; and, therefore, has no limitations on use or density of development. The above specifics regarding the project's location in the ILUC impact area however shall by condition of this approval be noted on the plan prior to signature approval of the plans.

A condition of this approval requires that, prior to signature approval, the plans for the project be revised to include a general note stating that the project is located within the JBA ILUC impact area, specifically in Imaginary Surface F, having a 500-foot height limitation above the runway surface; is outside the 65 dBA Ldn noise contour, making noise attenuation unnecessary; is not in the accident potential zone; and has no limitations on use or density of development.

The priority area concept plan and the design guideline area map for this site show a portion of the subject property as open space with townhomes articulated to front the open plaza to complement the overall redevelopment concept for the area. However, as part of the conditions of approval, the subject property was changed from the proposed residential medium land use and Residential Townhouse (R-T) Zone to the previously existing residential high land use and the R-10 Zone. Therefore, this application conforms to the land use and zoning classifications.

The subject project conforms to the requirements of the site's R-10 zoning. The priority area concept plan and design guideline was an initial aspiration for the site which was altered by the rezoning to the R-10 Zone, which permits senior, age-restricted multifamily residential development at the density proposed.

d. **Transportation Planning**—Preliminary Plan 4-11007 transportation-related Conditions 10, 11, and 14 apply to this approval (see Finding 8 for a discussion of those conditions). A crosswalk is shown within the commercial entrance from Brooks Drive connecting a six-foot-wide internal trail, which extends to Brooke Drive. On-site circulation and parking areas are acceptable. The Planning Board then found that Ridley Street is shown on the plan as a private road dedicated to public use with a 70-foot-wide right-of-way and that it was authorized by the Planning Board at the time of approval of the abutting Hutchinson Commons Community. Further, the Planning Board found that Brooks Drive is shown with a 120-foot-wide right-of-way and that it was removed from the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* as a master plan roadway and that no further road dedication along it would be required. In closing, the Planning Board stated that it had determined that the site plan is acceptable pending further discussion regarding access in accordance with Condition 11 of the preliminary plan. However, the Planning Board subsequently offered the following additional comments:

Revised plans showing a revised access were submitted for review for DSP-13012. The Planning Board reaffirmed most of the comments in their earlier comment with the exception of the following:

- The Planning Board response regarding Condition 11 shall be modified as follows:

  No access points are shown onto Ridley Street from Parcel A. A commercial driveway onto Brooks Drive with a median break allowing left turns into the site from the south/west (but no left turns out of the site) is proposed. Left turns leaving the site could proceed to the median break at Ridley Street and complete a U-turn at that point; the median is sufficiently wide to provide adequate refuge for the very limited number of vehicles per hour that would make this movement. This access and its design have been discussed with representatives of DPIE. Pending finalization of the design by DPIE, this access arrangement is deemed to be acceptable and generally consistent with the requirements of Condition 11.

- The Planning Board hereby modifies their response regarding Condition 14 as follows:

  On the current plan, no vehicular access is shown to Parcel A from Ridley Street. Given that the issue of access from Ridley Street has been resolved, it appears that Condition 14 is no longer applicable.

- The final paragraph demonstrating the Planning Board's finding regarding the application shall be modified as follows:

  > The Planning Board determines that the site plan is acceptable as revised. In accordance with this review, DPIE approval of the design of the median break is required prior to building permit. The applicant shall be advised that permits pursuant to this site plan should not require review of SHA.

A condition of this approval requires that the applicant provide documentation from DPIE stating that they approve of the precise design and location of the median break as shown on the DSP at the Brooks Drive vehicular access to the project.

e. **Subdivision Review**—The site, located on Tax Map 80 in Grid F-1, is subject to the requirements of the approval of Preliminary Plan of Subdivision 4-11007, approved by the Planning Board on January 12, 2012. On December 20, 2012, the Planning Board reconsidered the preliminary plan and approved new findings and conditions. The amended resolution, PGCPB No. 12-03(A), was adopted by the Planning Board on January 24, 2013 subject to 15 conditions. The preliminary plan is valid until January 24, 2015. A final plat for the subject property must be accepted by the Planning Board before the preliminary plan expires or a new preliminary plan is required. The applicant may ask for an extension of the validity period for the preliminary plan beyond January 24, 2015 in accordance with Section 24-119 of the Subdivision Regulations. The DSP should be revised to provide the bearings and distances for Parcel A.

For a discussion of relevant preliminary plan Conditions 1, 3, 5, 6, and 8–15, see Finding 8.

As the initial site layout proposed by the applicant did not address all of the issues and concerns that were raised by the approved preliminary plan, the Planning Board required that the DSP be revised and indicated that they would provide further comments when the revised plan was submitted. Revised plans were then received and circulated to the Planning Board for review on February 7, 2013, whereupon the Planning Board found that they had received a revised plan for the project indicating a median break at the Brooks Drive vehicular access point to the project and modified their comments to preliminary plan Conditions 11 and 14. See Finding 10 for a detailed discussion of those comments.

Failure of the site plan and record plats to match, including bearings, distances, and lot sizes, will result in permits being placed on hold until the plans are corrected.

f. **Trails**—The Planning Board reviewed the subject DSP for conformance to the requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA), and the 2010 *Approved Subregion 4 Master Plan and*

Adopted Sectional Map Amendment (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

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.

See Finding 8 for a discussion of trails-related Conditions 11 and 15 of approved Preliminary Plan 4-11007, as formalized in PGCPB Resolution No. 12-03(A).

From the standpoint of non-motorized transportation, it may be said that the submitted site plan is acceptable, fulfills the intent of applicable master plans and functional plans, meets the requirements of prior trails-related conditions of approval, and that the required finding for a DSP as described in Section 27-285 of the Zoning Ordinance may be made from a trails perspective provided as the approval is made subject to the following trails-related condition:

(1) Prior to signature approval, the plans shall be revised to include the following:

(a) Provide one bus shelter and pad at the existing bus stop along the subject site's frontage of Brooks Drive, unless modified by DPW&T. Details for the size and location of the pad and shelter shall be coordinated with DPW&T, Office of Transit, and be consistent with the DPW&T specifications and standards, or as modified by the DPW&T.

g. **Permit Review**—There are no permit-related issues regarding the subject project other than that the appropriate trigger to be utilized in the recreational facilities agreement for the project shall be by condition of this approval prior to permit approval, not issuance.

h. **Environmental Planning**—The Planning Board previously reviewed Natural Resources Inventory NRI-027-11 and Preliminary Plan 4-11007 with Type 1 Tree Conservation Plan TCP1-008-11 for the subject property. The NRI was approved by the Planning Board, and the preliminary plan and TCP1 were approved by the Planning Board to subdivide a 15-acre parcel into two parcels for senior, age-restricted multifamily development. Subsequent to that approval, it was determined that the existing parcel was previously

subdivided (Parcel 3 and residual of Parcel 3) by deed prior to approval of 4-11007. On September 13, 2012, the Planning Board approved a reconsideration request to exclude Parcel B and associated conditions (previously Parcel 3) from the preliminary plan application.

The reconsideration was approved on December 20, 2012 subject to conditions listed in PGCPB Resolution No. 12-03(A), adopted on January 24, 2013.

The current application is a DSP and a Type 2 tree conservation plan (TCP2) for 4.87 acres in the R-10 Zone with 120 units of senior, age-restricted multifamily residential development.

The Planning Board hereby finds the following regarding grandfathering of the subject project from regulations regarding woodland and wildlife:

The site is subject to the environmental regulations in Subtitles 25 and 27 of the Prince George's County Code that became effective on September 1, 2010 and February 1, 2012 because the site has a preliminary plan approved in accordance with the new regulations.

A review of the available information and the approved NRI indicate that the site contains no streams, wetlands, or 100-year floodplain. However, areas of steep slopes are located onsite. The site has frontage along Brooks Drive, a master-planned collector roadway, and Ridgley Street. Both roads are not regulated for noise. The soils found to occur on this site, according to the *Prince George's County Soil Survey,* are in the Beltsville series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The site is within the Oxon Run watershed of the Potomac River basin and in the Developing Tier as reflected in the General Plan.

The Planning Board approved Preliminary Plan 4-11007 and TCP1-008-11 on January 12, 2012 subject to conditions listed in PGCPB Resolution No. 12-03, and subsequently reconsidered and reapproved Preliminary Plan 4-11007 and TCP1-008-11 on December 20, 2012, subject to conditions listed in PGCPB Resolution No. 12-03(A). None of the conditions of approval are applicable to the environmental review of this application, which follows:

- A signed Natural Resources Inventory (NRI-027-11) was submitted with the application. The site contains no primary management area. The forest stand delineation report describes one forest stand totaling 2.16 acres. There are no specimen trees on the site. The NRI states that the forest acreage is 2.16 acres.

- The location and dimensions of environmental features on the NRI match what is shown on the TCP2. No further information with regard to the NRI is required.

- This property is subject to the provisions of the WCO because it has a previously approved tree conservation plan. Type 1 Tree Conservation Plan TCP1-008-11 has been approved for this site. A TCP2 has been submitted covering 4.87 acres.

- The woodland conservation threshold for this site is 20 percent of the net tract area or 0.97 acre. The total woodland conservation requirement is 1.75 acres based on the applicant's proposal to clear 1.67 acres of the overall 2.16 acres. The plan proposes to meet the woodland conservation requirement with 1.75 acres of off-site woodland conservation. The approved TCP1 proposed to clear the entire site; however, a total of 0.49 acre of woodland will be retained on-site, but not counted toward meeting the requirement. Therefore, no woodland conservation will be retained on-site.

- The Planning Board supports the applicant's proposal to meet the woodland conservation requirement off-site because the approved forest stand delineation report (NRI-027-11) indicates that the forest stand associated with the northernmost portion of the subject property is comprised of 80 percent invasive species, the majority of which are in the understory and herbaceous layers. Due to the high levels of invasive species within this forested area, the Planning Board will not allow this area to be credited as preservation.

- Other technical changes are also required by conditions of this approval to make it conform to the requirements of the WCO including: 1) Labeling the dimensions of the building restriction line along the portion of the subject property adjacent to Gethsemane Way; 2) Correcting the hatching used to represent woodland preserved, not credited, so that it does not obscure the subject property information; and 3) Relocating or revising the subject property information so it is not obscured by the hatching.

- The Planning Board hereby finds that the TCP2 is in general conformance with the approved TCP1.

The above-cited needed technical revisions to the TCP2 shall be made by condition of this approval. With respect to the soils on-site, the Planning Board hereby finds that, according to the *Prince George's County Soils Survey,* the principal soils on this site are in the Beltsville series. These soil types generally exhibit slight to moderate limitations due to steep slopes, high water table, and impeded drainage. This information, however, is provided solely for the applicant's benefit. No further action is needed as it relates to this DSP review. A soils report in conformance with County Council Bill CB-94-2004 may be required during the permit process review.

The Planning Board additionally finds that the approved Stormwater Management Concept Plan (32661-2009) for the site that expires on May 4, 2016 is confusing because

the requirements state that water quality and quantity control in the form of a filtration structure and one year attenuation is required; however, the conditions of approval state that the proposed disturbance is less than 5,000 square feet and no stormwater management is required. Further, the Planning Board finds that the approved concept plan was not included in the submission and is needed to review for consistency between the DSP and TCP2.

A condition of this approval requires that the letter be revised to make the requirements and conditions of approval consistent, and that a copy of the approved concept plan be submitted so that the TCP2's conformance with it may be evaluated.

i. **Prince George's County Fire/EMS Department**—In a memorandum dated January 8, 2014, the Fire/EMS Department offered information regarding needed accessibility, private road design and the location and performance of fire hydrants.

j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 17, 2014, DPIE stated that the subject property is located along Brooks Drive, a master-planned arterial roadway (A-34), on which frontage improvements in accordance with DPW&T's urban arterial roadway standards are required. They also noted that the site has frontage on Ridley Street as well, which they stated is contained within an existing 70-foot-wide ingress/egress easement. Further they stated that Ridley Street is currently maintained by the county and, since the applicant owns property on both sides of Ridley Street, at the time of final plat, will be required to dedicate 70-foot-wide right-of-way to public use as per the preliminary plan approval and upgrade Ridley Street to meet county commercial industrial roadway standards.

The Planning Board found that Brooks Drive was removed as a master plan roadway by the *Approved Subregion 4 Master Plan and Sectional Map Amendment*, and therefore is no longer classified as an arterial roadway. See Finding 12d.

Regarding stormwater, the December 17, 2013 DPIE memorandum states that the subject site has an approved Stormwater Management Concept Plan (32661-2009) dated January 18, 2010, but that as the site plan was revised, a revised or new concept approval will be required prior to signature approval. Therefore, a condition of this approval requires that, prior to signature approval, the applicant provide documentation that the subject DSP conforms to the requirements of the approved stormwater management concept plan for the site, a revision to that plan, or another stormwater management concept plan approved by DPIE.

k. **Prince George's County Police Department**—In a memorandum dated December 5, 2013, the Police Department stated that they had the following CPTED-related (crime prevention through environmental design) questions for the applicant. These included whether there are going to be any light fixtures at the entry or

exit locations for the building, or along the walking path, and whether they would consider installing a six-foot-tall, wrought-iron-style, ornamental metal fence along the rear and sides of the property. The Police Department suggested that the applicant revise the plans to show the locations of the lights and fence and to include details of each.

A condition of this approval requires that the applicant indicate the location and type of lighting on the plans prior to signature approval, to be approved by the Planning Board or its designee. The Planning Board has not included a condition requiring a six-foot-tall, wrought-iron-style, ornamental metal fence along the rear and sides of the property as it would interfere with pedestrian accessibility to the site, and because the proposed use on the site is senior, age restricted multifamily residential and not a group residential facility, or planned retirement community, where a fence might be more appropriate.

l. **Prince George's Health Department**—In a memorandum dated December 4, 2013, the Health Department stated that they had completed a desktop health impact assessment of the subject DSP submission and offered the following comments/recommendations:

(1) The subject property is located in an area of the county considered a "food desert" by the U.S. Department of Agriculture (USDA), where affordable and healthy food is difficult to obtain. Further, they stated that their permit records indicated that there is one fast food and one carry-out restaurant within one-half mile of this location. They also stated that research has found that people living near an abundance of such establishments as compared to those living near grocery stores and fresh produce vendors, have a significantly higher incidence of health problems such as obesity and diabetes.

(2) As there is an increasing body of scientific research suggesting that community gardens support the public health goals of improved nutrition and increased physical activity, the applicant should consider setting space aside in the development to accommodate a community garden.

In response to these comments, the applicant has provided a community garden for use by the residents.

(3) During the construction phase of the project, precautions per the requirements of the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control should be taken to prevent dust from crossing the subject property's boundaries.

(4) During the construction phase of the project, precautions per the requirements of Subtitle 19 of the Prince George's County Code should be taken to attempt to ensure that noise will not adversely impact activities on the adjacent properties.

Standard notes shall, by a condition of this approval, be included on the plan regarding construction noise and dust standards.

m. **Maryland State Highway Administration (SHA)**—In a memorandum dated December 5, 2013, noting that the proposed development will be accessed from Brooks Drive (a county road), SHA offered several comments including a request for a traffic impact study.

SHA's requirements will be addressed independently of the subject DSP approval process.

n. **The Washington Suburban Sanitary Commission (WSSC)**—In a memorandum received December 5, 2013, WSSC offered hydraulic, design, and other plan comments. WSSC's requirements will be met through their separate permitting process.

o. **Verizon**—In an email dated January 2, 2013, a representative of Verizon requested that a ten-foot-wide public utility easement be included adjacent and parallel to and contiguous with all rights-of-way to be dedicated for public use, free and clear of any surface obstructions.

The revised site plan received February 5, 2014 indicates a ten-foot-wide public utility easement along both Brooks Drive and Ridley Street in accordance with this request.

p. **Potomac Electric and Power Company (PEPCO)**—In an email received December 2, 2013, a representative of PEPCO stated that they believe as General Note 14 on Sheet 1 of 6 states, "(that) a 10-foot-wide utility easement (should be) provided along all rights-of way." However, Sheet 5 of 6 indicated a public utility easement only seven feet wide.

The revised site plan received February 5, 2013 indicates a ten-foot-wide public utility easement along all rights-of-way responsive to the above concern.

q. **City of District Heights**—In a voicemail received January 22, 2014, a representative of the City of District Heights indicated that they had no comment on the subject project.

r. **Town of Capitol Heights**—In an email dated December 30, 2013, a representative of the Town of Capitol Heights indicated that they had no comment on the subject project.

13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

14. As there are no regulated environmental features on the site, the finding normally required by Section 27-285(b)(4) of the Zoning Ordinance, that regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Section 24-130(b)(5) of the Subdivision Regulations need not be made in this case.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-039-13) and further APPROVED Detailed Site Plan DSP-13012 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the plans, the following revisions shall be made to the plans or additional materials submitted:

   a. The plans shall be revised to extend the six-foot-wide trail along the southern side of the Brooks Drive vehicular access to connect with the existing standard sidewalk along the project's Brooks Drive frontage.

   b. The community garden shall be labeled on the detailed site plan.

   c. Notes shall be added to the plan stating that, during the construction phase of the project, the applicant shall adhere to the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control to control off-site impacts from dust, and Subtitle 19 of the Prince George's County Code to minimize the off-site impacts of construction noise.

   d. The plans for the project shall be revised to include a general note stating that the project is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area, Imaginary Surface F, having a 500-foot above the runway surface height limitation; outside the 65 dBA Ldn noise contour, therefore not requiring noise attenuation; and outside the accident potential zone, so with no limitations on the type of use or degree of density of development as a result of its location in the ILUC.

   e. The applicant shall revise the detailed site plan (DSP) to label the recreational facilities to be included on the lawn court and to describe its dual function for bocce and badminton in a general note. The equipment to be provided at each station shall be labeled.

   f. Revise the plans to indicate a bus shelter and pad at the existing bus stop along the subject site's Brooks Drive frontage. Details for the size and location of the pad and shelter shall be coordinated with the Department of Public Works and Transportation (DPW&T), Office of Transit, and shall be consistent with DPW&T specifications and standards or as modified by DPW&T, and shall be provided on the plan set to scale.

g. The applicant shall remove the label "Existing Forest to Remain" on any forest that in fact might be cleared and label it as it is labeled on the Type 2 tree conservation plan for the project.

h. The applicant shall revise the plans for the project to delete the guest suite from the table for the value of the recreational facilities provided.

i. The Type 2 tree conservation plan (TCP2) shall be revised as follows:

(1) Add the standard TCP2 notes to the TCP2 pertaining to Virginia pine management on-site.

(2) Label the building restriction line along the right-of-way of Gethsemane Way.

(3) Relocate the subject property information to be legible outside of the "Woodland Preserved Not Credited" hatching.

(4) Have the property owner's awareness certificate signed and dated by the owners or owners' representative.

(5) Have a qualified professional sign and date the plans.

j. The applicant shall submit a revised or new stormwater concept approval letter and associated concept plan, and such plan shall be correctly reflected on the Type 2 tree conservation plan and throughout the plan set together with documentation that the subject detailed site plan conforms to the requirements of the approved stormwater concept plan for the site.

k. The applicant shall have executed and recorded a recreational facilities agreement with The Maryland-National Capital Park and Planning Commission (M-NCPPC) including all indoor and outdoor recreational facilities included herein specifying that the facilities shall be constructed prior to approval of a use and occupancy permit for the project.

The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facility agreements (RFA) to the Development Review Division (DRD) for the construction of recreational facilities on Parcel A for approval prior to submission of the final plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records.

l. The plans for the project shall be revised to indicate the right-of-way to be dedicated for Ridley Street as reflected on approved Preliminary Plan of Subdivision 4-11007.

2. Prior to issuance of the first building permit for the project, the applicant shall provide documentation from the Department of Permitting, Inspections and Enforcement (DPIE) that they approve of the design for the median break at the Brooks Drive vehicular access to the site.

3. In the event that the community garden is underutilized, the applicant, its heirs, successors and/or assigns in consultation with the residents and the residents' association may decide to put the space to another use. The area on the detailed site plan currently designated as a community garden may be repurposed as an area of enhanced landscaping and/or an alternative recreational facility for use by the residents.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, March 13, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of March 2014.

Patricia Colihan Barney
Executive Director

Jessica Jones

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department

Date 3/20/14