

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



Comment [COMMENT1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.

PRELIMINARY PLAN

4-01061

Application	General Data
Project Name: TRINITY TERRACE Location: Northwest quadrant Brinkley Road and Fisher Road. Applicant/Address: Victory Housing 5430 Grosvenor Lane, Suite #210 Bethesda, MD 20814	Date Accepted08/09/01
	Planning Board Action Limit02/02/02
	Tax Map & Grid096/F-03
	Plan Acreage6.84
	ZoneR-18C
	Lots2
	Parcels0
	Planning Area76B
	Council District07
	MunicipalityN/A
	200-Scale Base Map208SE03

Purpose of Application			Notice Dates	
RESIDENTIAL SUBDIVISION			Adjoining Property Owners N/A (CB-15-1998)	
			Previous Parties of Record N/A (CB-13-1994)	
			Sign(s) Posted on Site 11/14/01	
			Variance(s): Adjoining N/A Property Owners	
Staff Recommendation			Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS		DISAPPROVAL	DISCUSSION
	X			

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plan 4-01061
Trinity Terrace, Lots 1 and 2

OVERVIEW

The subject property is located on Tax Map 96 in Grid F-3. The property is known as Parcel 180 and is an acreage parcel, never having been the subject of a record plat of subdivision. The applicant is proposing to subdivide this 6.84-acre property into two lots. The subject property is a corner lot and is located on the north side of Brinkley Road and west of Fisher Road. Lot 2 is located at the intersection of Brinkley Road and Fisher Road. Lot 1 is located on the north side of Lot 2 along Fisher Road. Brinkley Road realigned, a master plan facility, traverses through the property running west to east. The northernmost alignment of proposed Brinkley Road corresponds to the common lot line between proposed Lot 1 and Lot 2. Brinkley Road realigned is located wholly on Lot 2, a three-acre lot; Lot 1 is approximately 3.56 acres. The property is in the R-18C Zone.

The applicant is currently pursuing the approval of a special exception for an elderly housing facility for 74 units on a portion of the property. The proposed elderly housing will be located on Lot 1 and on part of Parcel A to the west. The elderly housing building is proposed to straddle the common property line with Parcel A. Parcel A was recorded in Plat Book WWW 52 @ 8 in 1962. The applicant is proposing to adjust the common lot line between proposed Lot 1 and Parcel A if both the subdivision and the special exception are approved. Once the lot line adjustment plat is completed, pursuant to Section 24-108(a)(3) of the Subdivision Regulations, the configuration of Lot 1 will coincide with the limits of SE-4419 for the elderly housing facility.

If the special exception is not approved or not implemented, the applicant could move forward with other uses permitted in the R-18C Zone on the subject property as proposed. Staff has evaluated the site based on the applicant's proposal for no development on Lot 2 and 74 elderly housing units on proposed Lot 1. In addition staff has determined that 71 dwelling units would be permitted for development on Lot 1. The maximum density for other allowed uses on Lot 1 is based on the maximum density in the R-18C Zone of 20 dwelling units per acre, pursuant to Section 27-442(h), Table VII of the Zoning Ordinance.

SETTING

The subject property is located east of Saint Barnabas Road in the northwest quadrant of Brinkley Road and Fisher Road in Oxon Hill. The surrounding properties are generally developed with multifamily dwellings. To west is undeveloped R-18C-zoned land. To the northwest are multifamily dwellings in the R-18C Zone. To the north is developed property in the R-18C Zone. To the east are single-family attached dwellings in the R-18 Zone. To the south is agriculturally used land in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental This site was previously reviewed by the Environmental Planning Section as part of Preliminary Plans 4-88246, 4-89084, and 4-89164, and Type I Tree Conservation

Plan I/13/95 was approved for this site. Preliminary Plan 4-89164 was approved but subsequently expired. No record of approval for TCPI/13/95 has been found; however, the TCP number is being retained for tracking purposes. Most recently, the subject property was reviewed as part of Special Exception application SE-4419. The Special Exception site plan spans two properties, part of Parcel A (WWW 52@8) and Part of Residue of Liber 2352, Folio 36.

A stream crosses proposed Lot 2 from north to south where it flows under the existing alignment for Brinkley Road. The stream is within the Henson Creek watershed, which is a tributary to the Potomac River, and has an associated 100-year floodplain and nontidal wetlands. The stream is piped across the property directly to the north (Parcel A, Hilltop Farms) and outfalls into a natural channel at the northern boundary on Parcel A, which is adjacent to this property to the west.

The soil series on this site include Bibb silt loam, Sassafras sandy loam, Howell clay loam, and Fallsington sandy loam. The Bibb and Fallsington soils are in hydrologic soil class D, and have limitations with respect to high water table, flood hazard, and poor drainage. The Howell soils are in hydrologic soil class B and have a K factor of 0.43, making them highly erodible. These soils also have limitations of slope and high shrink swell potential. The Sassafras soils pose few difficulties to development. No Marlboro clay has been identified on this site. Fossil sites occur in the vicinity of the subject property.

No historic or scenic roads are affected. No greenways, cemeteries, or historic sites are affected. This site is in water and sewer categories W-3 and S-3. The majority of the site is wooded. The dominant tree cover is Virginia pine. Mixed species of poplar, sycamore, red maple, and other deciduous hardwoods are scattered throughout the stand.

An existing fossil site is shown directly south of this site on the south side of Brinkley Road on page 19 of the Prince George's County Stormwater Management Program Watershed Reference Map (1991).

The Subregion VII Master Plan text discusses fossil sites on page 36:

■ . . a few of the remaining fossiliferous outcrops of older rock formations in the County are important standards (type sections, type localities) against which rocks and fossils from throughout the world must be compared for identification and interpretation.●

In the table on ■Assessment of Key Environmental Features● (page 54), Rare Natural Features are defined as ■Natural features of unusual or rare occurrence, such as certain trees, geological outcrops, paleozoological sites, etc.● These sites ■ . . should be preserved for historic, recreational, educational, and scientific reasons though many have no major ecological value.● The Master Plan text goes on to state that ■No development is to be permitted which would interfere with the quality of the feature.●

The U.S. Geologic Survey Baltimore District Office and Maryland Geological Survey were contacted to provide technical assistance. The pamphlet ■Collecting Fossils in Maryland● by John Glaser (MGS Education Series No. 4) contains the following description of this site.

■PRINCE GEORGE■S COUNTY: Paleocene Fossil locality near Henson Creek

■A fine locality for collecting Paleocene mollusks in Prince George■s County is situated along an unnamed tributary to Henson Creek near the Rose- croft Raceway a few miles south of Washington. Fossils are abundant here in green-sand of the lower Aquia Formation, which is exposed in the bed and low banks of the stream. Nearly all of the specimens to be found are internal molds of bivalves, and much less commonly gastropods. Of particular interest at this site is the abundance of *Cucullaea*, a very large extinct clam which often reaches six inches in length. In addition to *Cucullaea*, numerous oysters (*Ostrea*) of similarly large size occur.

■The site is located less than a mile south of the Capital Beltway and may be reached from either Brinkley or Fisher Roads. The stream along which the fossils are exposed passes under Brinkley Road about 150 feet west of its intersection with Fisher Road. Opposite the intersection is a dirt pullout in which vehicles may be parked. The fossiliferous outcrops begin about 100 feet south of the parking area and extend downstream for a short distance, beyond which the Aquia is covered by alluvium.●

Due to the known elevations of the Aquia formation, the fossils which occur are located in the streambed and banks of the site and will be confined to Proposed Lot 2, where they can be protected as part of the stream buffer. There may be a future concern about the construction of relocated Brinkley Road, when a more thorough investigation of the fossil site and appropriate protection measures should be made.

A Wetland Delineation Report dated March 2001 was submitted with the Special Exception application. A jurisdictional delineation (JD) of nontidal wetlands from the U.S. Army Corps was included with this report. The JD concludes that the wetland delineation on this site is correct. A 25-foot-wide nontidal wetland buffer has been shown for an isolated area of wetlands at the southern boundary of the site, but nontidal wetland buffers have not been shown for the wetlands adjacent to the stream.

Section 24-130(b)(6) states that the Planning Board may require the expansion of a stream buffer to include the 100-year floodplain, adjacent severe slopes, steep slopes on highly erodible soils, and additional area deemed necessary to protect the stream or 100-year floodplain. Staff recommends that the Planning Board require the expansion of the stream buffer on this site due to the degraded nature of the stream system and to protect the 100-year floodplain from further impacts.

A ■conservation area● has been shown on the plan, but it does not include all of the sensitive environmental areas of the site associated with the stream buffer and is not defined on the plan. The term ■conservation area● is not commonly used to describe any specific area in Prince George■s County.

Staff recommends that the preliminary plan should be revised to:

- a. Show the required 25-foot-wide nontidal wetland buffer on all jurisdictional wetlands.
- b. Delineate the required 50-foot-wide stream buffer from the top of the stream bank along both sides.
- c. Show the expanded stream buffer to include the adjacent nontidal wetlands, wetland buffers, and 100-year floodplain and be labeled "stream buffer."
- d. Remove the term "conservation area" from the plan and the legend.

The preliminary plan indicates the presence of a 100-year floodplain on the site. An accurate delineation of the floodplain area is necessary for calculation of woodland conservation requirements for the Type I Tree Conservation Plan, the designation of a 25-foot-wide building restriction line, and the designation of the full extent of the stream buffer.

Staff recommends that a floodplain study be submitted and approved by the Department of Environmental Resources to verify floodplain elevations and extents. The preliminary plan and Type I Tree Conservation Plan should be revised to reflect the approved floodplain study.

The site contains significant natural features, including a stream buffer, wetlands, and 100-year floodplain, which are required to be protected under Section 24-129 of the Subdivision code. A conservation easement should be described by bearings and distances. The conservation easement should contain all 100-year floodplain and stream buffers. A note should be placed on the final plat regarding the conservation easement.

Staff had identified noise as an issue on this site because of the proximity to existing Brinkley Road and Brinkley Road realigned, as shown on the approved master plan. Transportation-generated noise is regulated by the Subdivision Regulations pursuant to Section 24-121(4) which states, "Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and or the establishment of a building restriction line, when appropriate." Noise issues are discussed in Area Master Plans and regulated under the health, safety, and welfare provisions in the Subdivision Ordinance.

In the Master Plan for Subregion VII, Brinkley Road is proposed to be upgraded to a six-lane arterial and realigned between St. Barnabas Road and Henson Creek (A-47). The proposed realignment will pass through proposed Lot 2 in the location shown on the preliminary plan. The relocation will result in noise impacts to both proposed lots. Relocated Brinkley Road is listed in the five-year Capital Improvement Program as a project and is funded in the "beyond six years" category.

Using a noise modeling technique, staff has determined that the future 65 dBA noise contour for unmitigated noise from a four-lane arterial could occur approximately 830 feet from the centerline of relocated Brinkley Road. This encompasses the entire site. If the proposed road is built as only two lanes, the projected 65 dBA noise contour could occur between 115 and 175 feet from the centerline of the roadway.

The Special Exception application currently under review shows an outdoor activity area approximately 170 feet from the proposed centerline of relocated Brinkley Road. For a two-lane road scenario, this activity area would be outside the 65 dBA noise contour; however, an outdoor activity area on the other side of the building would result in more tolerable noise levels and would provide for an activity area that would have noise levels less than 65 dBA if the full expanse of relocated Brinkley Road is built in the future.

While interior noise levels are not being addressed at this time, the applicant should be aware that high noise levels often result in undesirable living conditions that could inhibit future rentals or sales of residential units. In the future, if Brinkley Road is relocated and built to the full master planned width, renovations to the building such as the provision of special windows, may be necessary to mitigate interior noise levels.

A Type I Tree Conservation Plan and Forest Stand Delineation are required to be reviewed and approved as part of the preliminary plan review. Neither were submitted with this application, but were subsequently submitted as part of the application for SE-4419. Revisions to the submitted TCP I were requested through the Special Exception review process because it was reviewed first.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. The minimum requirement for this site is 3.89 acres (15 percent of the net tract) and an additional 0.89 acre is required due to removal of woodland, for a total minimum requirement of 4.78 acres.

The TCP shows the woodland conservation requirement to be met with 4.31 acres of on-site preservation, and 0.47 acre of reforestation/replacement. The shape and location of the woodland preservation area proposed includes priority woodlands adjacent to the stream, 100-year floodplain, wetlands and buffers, steep and severe slopes on the southern end of the site, and provides for a large contiguous block of woodland. The woodland conservation area contains all of the specimen trees proposed to be saved.

The TCP I proposes reforestation to occur within the area of the stormwater management pond. At time of TCP II approval, the approval of woodland conservation areas adjacent to the stormwater management pond should be dependent on the submittal of the Approved Technical Stormwater Management Plans for the pond to the Environmental Planning Section. These plans should demonstrate that planting in this area is acceptable to the Department of Environmental Resources, and the use of stocking levels which satisfy the requirements of the Woodland Conservation Ordinance has been used.

2. Community Planning - The proposed residential subdivision is located within the limits of the 1981 *Subregion VII Master Plan for Subregion VII* in the Henson Creek Community, in Planning Area 76B. The recommended land use is suburban residential. The 1984 *Subregion VII SMA* classified the subject property in the R-18C Zone.

The plan recommends that Brinkley Road be upgraded to arterial status and realigned between St. Barnabas Road and Henson Creek. The proposed realignment of Brinkley Road bisects the subject property and is correctly located on the preliminary plan. In the northeast

corner of the property is the abandoned Metro right-of-way. The proposed Metro right-of-way was abandoned due to the change in priority to build and terminate the Green Line at Branch Avenue Metro Station.

The proposed preliminary plan will not substantially impair the integrity of the master plan. There are no master plan issues associated with this application.

3. Parks and Recreation●The Department of Parks and Recreation has reviewed the application for conformance to Section 24-134(a) of the Subdivision Regulations. The Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
4. Trails●The 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan recommends a master plan trail along proposed Brinkley Road. Implementation of that trail system is proposed as part of a planned DPW&T capital improvement project as proposed in the Proposed FY 2002-2007 Capital Budget and Program.

There are no trails issues associated with this application.

5. Transportation●The property is located on the northwest corner of the intersection of Brinkley Road and Fisher Road. The applicant proposes to develop the site as a residential subdivision with a 72-unit elderly housing facility on Lot 1. Proposed Lot 2 is 3.00 acres, and there is no proposal for its use at this time.

The transportation staff determined that weekday traffic counts were needed at the signalized intersection of Brinkley Road and Fisher Road. In response, the applicant submitted traffic counts taken February 2001 at this location. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Summary of Traffic Impacts

The staff has reviewed weekday traffic operations in the vicinity of the site using new counts taken in February 2001. The staff is specifically analyzing the following intersection:

Brinkley Road/Fisher Road (signalized)

Existing conditions at the critical intersection in the AM peak hour are Level-of-Service (LOS) A, with a critical lane volume (CLV) of 836. In the PM peak hour, operating conditions are LOS B with a CLV of 1,058. The analysis indicates that acceptable traffic conditions exist adjacent to the site.

A review of background development in the area was conducted by staff, and two significant approved but unbuilt developments were identified in the immediate area. The transportation staff assumed a 1 percent annual growth rate for through traffic along Brinkley Road over four years. There are no improvements to roadways in the area which are funded in either the county Capital Improvement Program or the state Consolidated

Transportation Program. However, staff notes that major improvements to Brinkley Road are shown in the Capital Improvement Program with funding beyond six years. Background traffic conditions at the critical intersection are LOS A with a CLV of 976 in the AM peak hour, and LOS B with a CLV of 1,109 in the PM peak hour.

The *Guidelines* contain trip generation rates for residential development, but not for elderly housing. The Institute of Transportation Engineers' *Trip Generation Manual* (sixth edition) provides trip rates for four types of similar facilities: retirement community, congregate care facility, elderly housing-attached, and elderly housing-detached. In reading the descriptions of each type of use, only one, elderly housing-detached, clearly is not applicable to the proposal. The applicant has supplied information indicating that elderly housing-attached is the appropriate use. This is acceptable to staff; however, in reviewing special exception SE-4419, staff suggested a site trip generation of 13 AM and 20 PM peak hour vehicle trips (considering also the trips generated by Lot 2 see below). Even at this higher level of trip generation, the site has a small impact. These trips would be distributed 25 percent northbound along Fisher Road, 30 percent eastbound along Brinkley Road, and 45 percent westbound along Brinkley Road. Total traffic conditions at the critical intersection are LOS A with a CLV of 979 in the AM peak hour, and LOS B with a CLV of 1,111 in the PM peak hour.

The Prince George's County Planning Board, in the *Guidelines*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition on the transportation system. The critical intersection has been found to be operating acceptably, at LOS D or better, in both peak hours with the proposed development of the subject property.

Lot 2 does not appear to be proposed for development at this time. It has been analyzed as a single lot with a single potential dwelling unit generating 1 AM and 1 PM trip, and will be capped at that level.

Plan Comments

At the time of Subdivision Review Committee, the transportation staff noted the location of Brinkley Road Relocated on the plan to be correct, but the applicant made no proposal for the roadway. Staff took the step of referring the plan to the operating agencies to determine if reservation was desirable.

Given that there are no current plans to develop Lot 2, staff has considered that reservation may not be appropriate at this time since development within the right-of-way does not appear to be occurring soon. The Subdivision Ordinance does not present justifications for reservation except for the requirement that a facility for which reservation is sought be in the Master Plan. Lot 2 is being capped at uses generating no more than one AM and PM peak hour trip; a 3.00-acre parcel in the R-18C Zone could be developed at a density up to 20 units per acre. While environmental features may prevent this level of development from being attained, it is clear that the current subdivision is not the final proposal for Lot 2. Although the agencies were generally in favor of reservation, their comments were insufficient to justify the action by the Planning Board at this time.

Should a resubdivision of the subject property occur in the future, the transportation staff will re-examine right-of-way needs along Brinkley Road as they relate to the subject property. Given the limited development proposed on Lot 2, a building restriction line should be provided along the southern alignment of Brinkley Road to preserve the master plan recommendation.

Based on the preceding findings, the Transportation and Public Facilities Planning Division concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations if the application is approved with a trip cap condition.

6. Schools The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and concluded the following.

The following finding applies to Lot 2 if it is developed with a residential use. Lot 1 is proposed for elderly housing which is exempt from APF test for schools.

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5- Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected % Capacity
Samuel Chase Elementary School	1 sfd	0.24	0.24	518	0	518.24	389	133.22%
Thurgood Marshall Middle School	1 sfd	0.06	0.06	757	0	757.06	1022	74.08%
Crossland High School	1 sfd	0.12	0.12	1475	0	1475.12	2061	71.57%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Samuel Chase Elementary School projected percentage of capacity is greater than 105 percent, the Adequate Public Facilities fee is \$2,160.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02(a)(4) states that if any affected school's projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

However, if Lot 1 is not developed with elderly housing, the following findings will apply to Lot 1 with a maximum density of 71 dwelling units. For these purposes Lot 2 has been included for the overall development impact.

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5- Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected % Capacity
Samuel Chase Elementary School	72 sfd	0.24	17.28	518	0	535.28	389	137.60%
Thurgood Marshall Middle School	72 sfd	0.06	4.32	757	0	761.32	1022	74.49%
Crossland High School	72 sfd	0.12	8.64	1475	0	1483.64	2061	71.99%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Samuel Chase Elementary School projected percentage of capacity is greater than 105 percent, the Adequate Public Facilities fee is \$2,160.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02 (a) (4) states that if any affected school's projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

7. Fire and Rescue The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road, has a service response time of 5.53 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road, has a service response time of 5.53 minutes, which is within the 6.25-minute response time guideline.

- c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service response time of 6.40 minutes, which is within the 7.25-minute response time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

- 8. Police Facilities•The proposed development is within the service area for District IV- Oxon Hill Police Station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Trinity Terrace development and the population generated by the proposed subdivision.
- 9. Health Department•The Health Department has no comment.
- 10. Stormwater Management•The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #13138-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

RECOMMENDATION

APPROVAL, subject to the following conditions:

- 1. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #13138-2001-00.
- 2. Prior to signature approval the preliminary plan of subdivision shall be revised to:
 - a. Show the required 25-foot-wide nontidal wetland buffer on all jurisdictional wetlands.
 - b. Delineate the required 50-foot-wide stream buffer from the top of the stream bank along both sides.
 - c. Show the expanded stream buffer to include the adjacent nontidal wetlands, wetland buffers, and 100-year floodplain and be labeled ■stream buffer.●
 - d. Remove the term ■conservation area● from the plan and the legend.
 - e. Locate a building restriction line along the southern alignment of relocated Brinkley Road.

3. Prior to signature approval of the preliminary plan of subdivision the applicant, his heirs, successors and/or assigns shall submit a floodplain study approved by the Department of Environmental Resources. The preliminary plan and Type I Tree Conservation Plan shall be revised to reflect the approved floodplain study prior to signature approval.
4. The final plat of subdivision shall contain the following note:

■Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/13/95-01), 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/Tree Preservation Policy.●
5. Prior to issuance of building permits, a Type II TCP shall be approved.
6. The final plat shall containing a conservation easement which shall be described by bearings and distances and approved by the Environmental Planning Section. The conservation easement shall contain all 100-year floodplain and stream buffers. 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."
7. Prior to approval of the TCP II an Approved Technical Stormwater Management Plan for the stormwater management pond shall be submitted demonstrating that planting is acceptable to the Department of Environmental Resources. Stocking levels used shall satisfy the requirements of the Woodland Conservation Ordinance.
8. Residential uses which provide an outdoor activity area(s) shall locate a minimum of one activity area in a location where the noise from relocated Brinkley Road shall be mitigated to 65 dBA or less.
9. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assigns shall pay a fee-in-lieu of parkland dedication.
10. All residential structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
11. Prior to the issuance of a residential building permit for Lot 2, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$2,160.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Samuel Chase Elementary School.

12. No permit for a residential use shall be issued for Lot 2 until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
13. Prior to the issuance of a building permit for Lot 1, for a residential use other than elderly housing, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$2,160.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Samuel Chase Elementary School.
14. No permits shall be issued for a residential, use other than elderly housing, on Lot 1 until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
15. Development within proposed Lot 1 shall be limited to an elderly housing facility as may be approved under SE-4419, or other permitted uses which generate no more than 12 AM and 17 PM peak hour vehicle trips. Development within proposed Lot 2 shall be limited to a single-family residence, or other permitted uses which generate no more than 1 AM and 1 PM peak hour vehicle trip. Any development greater than that identified herein shall require a new preliminary plan of subdivision.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/13/95-01.