



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan

**4-05077**

Application	General Data
<b>Project Name:</b> <b>BRINKLEY ROAD PROPERTY</b>  <b>Location:</b> 750 feet northwest of Brinkley Road and Fisher Road intersection.  <b>Applicant/Address:</b> Elm Street Development 6820 Elm Street, Suite #200 McLean, VA. 22101	Date Accepted: 10/4/05
	Planning Board Action Limit: 03/08/06
	Plan Acreage: 15.12
	Zone: R-18C
	Lots: 74
	Parcels: 1
	Planning Area: 76B
	Tier: Developed
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 208SE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 08/3/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 01/24/06

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 Plan of Subdivision 4-05077  
Brinkley Road Property Lots 1-74 and Parcel A

OVERVIEW

The subject property is located on Tax Map 96, in Grid F-3, and is known as Parcel B (REP 195@28) recorded in land records in 2002. The property is approximately 15.12 acres, zoned R-18C, and is currently vacant. The applicant is proposing to subdivide the property into 74 lots for the construction of single-family quadruple attached dwelling units (68-units) and single-family semi-detached (duplex) dwelling units (6-units), in conformance with the standards of the R-18C Zone.

The main access is proposed via a private street that extends north into the property from Brinkley Road. The original preliminary plan proposed a sea of parking with no garage units. A significant reduction has occurred in the amount of common parking areas by replacing the need for those areas with two-car garages and driveways. The applicant has proposed a mix of units, with the majority of the dwelling units now having rear load garages. The applicant has made other significant revisions to the layout, including increasing the open space areas for private on-site recreation. The applicant has also reoriented the dwellings to provide fronts of units facing Brinkley Road, the main entrance drive, and one another. While the revisions have not resulted in a significant loss of lots, the original plan proposed 76 units; careful site planning has resulted in a superior design than that originally proposed. Further refinement of landscaping and architecture will occur with the review of the detailed site plan.

SETTING

The 15.12-acre property in the R-18C Zone is located on the north side of Brinkley Road approximately 750 feet northwest of its intersection with Fisher Road. To the north is the Hilltop Farms multifamily dwelling unit project, zoned R-18C. To the west is the Brinkley Towers multifamily dwelling unit project, zoned R-10. To the south is the Kildare Historic Site (76B-007) in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-18C	R-18C
Use(s)	Vacant	Single-family quadruple attached and semi-detached
Acreage	15.12	15.12
Lots	0	74
Parcels	1	1
Dwelling Units:		
Quadruple Attached	0	68-units
Semidetached	0	6-units
Public Safety Mitigation Fee		Yes

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for the Brinkley Road property, 4-05077, and the revised Type I Tree Conservation Plan, TCPI/13/95-02, stamped as accepted for processing on January 26, 2006. The Environmental Planning Section supports the variation request for an impact to an expanded stream buffer and recommends approval of TCPI/13/95-02 subject to the conditions.

### **Background**

The Environmental Planning Section has previously reviewed applications that included this site, which was known as Parcel A, Saint Ignatius Property (PB 52@8). In June 2002, Parcel A was adjusted pursuant to REP 195@28, with Lot 1 (REP 194@77), now known as Lot 3, to the west to create Parcel B as it exists today. TCPI/13/95 was assigned to SE-4176, which was approved for Lot 3 for an elderly housing development. TCPI/3/95-01 and Preliminary Plan 4-01061 were approved by PGCPB Resolution No. 01-254, creating Lots 1 and 2 (REP 194@77) to the east.

TCPII/83/02 was approved as part of a building permit application for property to the east. The area included in the Type I tree conservation plan was under one ownership when it was originally reviewed and includes the area of Lots 2 and 3 (REP 195@28) and Parcel B.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No designated scenic or historic roads are affected by this proposed development.

An approved natural resources inventory, NRI-44-05, was submitted with the application. A forest stand delineation (FSD) was submitted for review with the NRI and was found to satisfy the requirements for an FSD in accordance with the “Prince George’s County Woodland Conservation and Tree Preservation Technical Manual.” The NRI shows the locations of the streams, wetlands and 100-year floodplain. A wetlands study is included with the NRI. The 100-year floodplain is based upon the 100-year floodplain easement shown on Record Plat 195-28. All existing development features are shown.

The site contains streams, wetlands and 100-year floodplain associated with Henson Creek in the Potomac River watershed. The buffers are correctly shown on the NRI, preliminary plan and Type I tree conservation plan. Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations. One variation request, dated January 20, 2006, in conformance with Section 24-113 of the Subdivision Regulations, has been reviewed.

The proposed impact to the expanded stream buffer is required to install the stormwater outfall to serve the proposed development. This will disturb a minimal area of the expanded stream buffer.

The details of construction will be reevaluated by the Department of Environmental Resources during the review of the construction permits to further reduce impacts. No request for any impact for the installation of the access road was submitted and must be denied. A minor impact is associated for the construction of the entrance road. The applicant has been advised that the plan must be revised to avoid this impact because a variation was not requested. Because of the minor nature of the impact, the applicant has indicated that a revision to the entrance drive alignment can be accommodated.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater outfall is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater outfall shown on the plans to adequately serve the proposed development.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater outfall is required by other regulations. The proposed impact is not a violation of any other applicable law, ordinance or regulation.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The topography provides no alternative for the location of the stormwater outfall that is required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-18C Zone.

Staff supports the variation request based on the above findings.

A Type I Tree Conservation Plan, TCPI/13/95-01, was approved with Preliminary Plan 4-01061. A Type II TCP, TCPII/83/02, covering the entire area of TCPI/13/95-01, was approved as part of a permit application. The Type I tree conservation plan submitted with this application is a major revision because of the significant change to the proposed development concept.

The revised Type I Tree Conservation Plan, TCPI/13/95-02, has been reviewed. The plan proposes clearing 12.72 acres of the existing 17.79 acres of upland woodland and clearing 0.01 acre of the existing 4.20 acres of floodplain woodland. The woodland conservation threshold is 3.77 acres. The woodland conservation requirement has been correctly calculated as 6.96 acres. The plan proposes to meet the requirements by providing 3.77 acres of on-site preservation and 0.95 acre of on-site planting. There is a shortfall of 2.24 acres that must be accounted for with off-site conservation.

The general layout of the proposed on-site woodland conservation areas is consistent with the policies of the Woodland Conservation Ordinance and the Green Infrastructure Plan. The preservation of woodland in and adjacent to the sensitive environmental features of the site will provide green space and assist in providing for water quality control. The use of some off-site woodland conservation is appropriate for properties within the Developed Tier, if the woodlands are contiguous.

According to the "Prince George's County Soil Survey," the principal soils on the site are in the Bibb, Fallsington and Sassafras series. There are some areas of steep slopes with highly erodible soils and severe slopes on the property. Marlboro clay is not found to occur in the vicinity of this property. Bibb soils are associated with floodplains. Fallsington soils are indicative of high water table areas that typically contain wetlands. Sassafras soils pose no special problems for development. No development is proposed in areas containing Fallsington or Bibb soils. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources may require a soils report during the permit process review.

Copies of the stormwater management concept approval letter and/or plan were not submitted with this application, however, a concept plan has been submitted to DER and is under review. Because of the overall topography of the site, there are few options available for constructing a stormwater management facility to provide for water quality and water quantity control. The placement near the top of the slope and away from the stream valley is the best alternative. Prior to signature of the preliminary plan, copies of the approved stormwater management concept letter and plan should be submitted and the number and approval date shown on the preliminary plan and the TCPI.

## Water and Sewer Categories

The water and sewer service categories are W-3 and S-3, according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will, therefore, be served by public systems.

3. **Community Planning**—The property is located within the limits of the 1981 Master Plan for Subregion VII, Planning Area 76B, in the Oxon Hill Community. The master plan land use recommendation is for urban residential densities at 12 to 16.9 dwelling units per acre. The proposed preliminary plan, while proposed at a lower densities than recommended by the master plan, does conform to the allowable density in the Zoning Ordinance for development in the R-18C Zone ( six dwelling units per acre). The 1984 Subregion VII Sectional Map Amendment retained this property in the R-18C Zone.

The 2002 General Plan locates this property in the Developed Tier. One of the visions for the Developed Tier is to create a network of sustainable, transit-oriented neighborhoods. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan based on the findings and recommendations contained in this report.

4. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, staff recommends that the applicant provide private on-site recreational facilities, in conformance with the *Parks and Recreational Facilities Guidelines*. The applicant has proposed three recreation areas on applicant's Exhibit A. One is located along the north property line in the vicinity of Lots 40 and 41 and is roughly 9,100 square feet. The second is located along the west property line behind Lots 71 thru 74 and is roughly 4,800 square feet.

The third is an open space area located on the south side of Lots 49-54 that creates roughly a 9,000 square-foot (180 x 45) open play area. The *Parks and Recreational Facilities Guidelines* requires an open play area of 20,000 square feet. At the time of review of the detailed site plan, staff will determine if any of the area associated with that open space can be utilized to assist in the fulfillment of Section 24-135.

The specific recreational facilities will be determined with the review of the detailed site plan. Staff has advised the applicant that the loss of lots could occur to provide adequate siting and facilities in conformance with the *Parks and Recreational Facilities Guidelines*. Because of the significant slopes and environmental features on this property, accommodating the allowable density while providing appropriate recreational facilities is a challenge. Careful site planning will be required when the more detailed grading plan is submitted as part of the site plan review process. Staff does believe, however, that adequate open space has been provided to accommodate the required recreational facilities on site.

5. **Trails**—The adopted and approved Subregion VII Master Plan and the 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan identify Brinkley Road as a master plan bicycle/trail corridor. The November 2004 planning charrette for the Henson Creek-South Potomac Master Plan identified walkability and pedestrian connections as important community priorities, particularly in the vicinity of the Oxon Hill core area. Continuous sidewalks, wide sidewalks, pedestrian safety measures, and sidewalk or trail connections between communities and to public facilities are especially important.

Several strategies and goals in the preliminary plan relate to the subject site or its road frontages:

- Provide continuous sidewalks and designated bike lanes along Brinkley Road (strategy under Policy 1).
- Provide neighborhood sidewalk connections to schools, parks, and activity centers (strategy under Policy 3).

A variety of road cross sections currently exist along Brinkley Road. Some areas are open section, while other segments are closed section with either a sidewalk or wide sidewalk (or sidepath). In subdivisions to both the east and west of the subject site (Brinkley Overlook and Rosecroft Terrace II), road improvements along Brinkley Road have included the provision of an eight-foot-wide sidewalk.

Brinkley Road is a major east/west route for pedestrians and it connects to several local shopping centers, the existing Henson Creek Trail, and the Oxon Hill regional center (less than one mile to the west). Due to these factors, staff recommends the construction of an eight-foot-wide sidewalk along the subject site's frontage of Brinkley Road. This wide sidewalk will also serve the anticipated high level of pedestrian traffic generated from the surrounding high-density residential development, including many multifamily units. Designated bike lanes or wide outside curb lanes can be accommodated through road restriping or as part of a road improvement project by the Department of Public Works and Transportation.

#### SIDEWALK CONNECTIVITY:

Staff supports the provision of standard sidewalks along both sides of all interior roads, as appears to be shown on the submitted plan. Staff also recommends the provision of a standard sidewalk along at least one side of the entrance road leading from Brinkley Road to the development. This will accommodate pedestrians walking from the site to the wide sidewalk along Brinkley Road.

6. **Transportation**—At the Subdivision Review Committee meeting held on October 21, 2005, the transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated November 2005, which was found to be acceptable and was referred to the Maryland State Highway Administration (SHA) and the county's Department Public Works and Transportation (DPW&T) for comment. Comments from SHA and DPW&T were received in December 2005, and are attached. 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*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds 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.

### Analysis of Traffic Impacts

The traffic study for this site examined the site impact at four intersections, as noted below:

Brinkley Road at Temple Hill Road (signalized)  
 Brinkley Road at Fisher Road (signalized)  
 Brinkley Road / St. Barnabas Road at I-95/I-495 Off Ramp Ext. (signalized)  
 MD 414, or Oxon Hill Road at I-95/I-495 Off Ramp Ext. (signalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Brinkley Road @ Temple Hill Road	1,342	1,534	D	E
Brinkley Road @ Fisher Road	845	987	A	A
Brinkley Road / St. Barnabas Road @ I-95/I-495 Off Ramp Ext.	433	557	A	A
MD 414 @ I-95/I-495 Off Ramp Ext	1,210	1,354	C	D

The area of background development includes seven approved but unbuilt developments in the area. In addition, the traffic study includes a growth rate of 3.0 percent per year along MD 414 to account for growth in through traffic. There are no programmed improvements in the county's Capital Improvement Program (CIP) or the state's Consolidation Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Brinkley Road @ Temple Hill Road	1,372	1,575	D	E
Brinkley Road @ Fisher Road	916	1,044	A	B
Brinkley Road / St. Barnabas Road @ I-95/I-495 Off Ramp Ext.	472	757	A	A
MD 414 @ I-95/I-495 Off Ramp Ext	1,302	1,470	D	E

The site is proposed for development of 74 single-family attached dwelling units. The traffic study is based upon 76 units, which is two units more than the number of units proposed in the

submitted revised plan. This quantity of development would generate 54 (11 in, 43 out) AM peak-hour vehicle trips and 61 (40 in, 21 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic, and with the addition site access point:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
Brinkley Road @ Temple Hill Road	1,378	1,587	D	E
Brinkley Road @ Fisher Road	921	1,057	A	B
Brinkley Road / St. Barnabas Road @ I-95/I-495 Off Ramp Ext.	481	771	A	A
MD 414 @ I-95/I-495 Off Ramp Ext	1,306	1,484	D	E
Brinkley road @ Site Access	24.6*	28.5*	C	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The traffic study identifies that all intersections would continue to operate at acceptable levels of service, as defined by the guidelines.

### **Plan Comments**

The applicant proposes an access along Brinkley Road. The 1981 adopted and approved Subregion VII Master Plan identifies Brinkley Road as an arterial facility with 120-foot right-of-way. The preliminary Henson Creek-South Potomac Master Plan, approved by the Planning Board, recommends Brinkley Road, between St. Barnabas Road and Fisher Road, to be constructed as a “major collector,” which is a four-lane roadway with turning lanes at intersections. The minimum right-of-way for a major collector facility is recommended with a 90-foot-wide right-of-way. Based on the Planning Board action, and in accordance with Section 24-121(a)(5) of the Subdivision Regulations, staff has determined that the preliminary plan should reflect the dedication of 50 feet from the existing centerline along Brinkley Road. The private internal street from Brinkley Road to serve the proposed development is acceptable, provided that a left-turn by-pass along eastbound Brinkley Road is constructed in accordance with DPW&T standards and no lots have direct access to Brinkley Road.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

## Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	76 sfd	76 sfd	76 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	18.24	4.56	9.12
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	59.28	14.82	29.64
Total Enrollment	35,683.52	11,524.38	17,022.76
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.06	102.24	111.16

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures were correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-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; 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 \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

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

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Oxon Hill, Company 21, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which exceeds the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on October 4, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-09/05/05	11.00	23.00
Cycle 1	01/05/05-10/05/06	11.00	24.00
Cycle 2	01/05/05-11/05/05	11.00	24.00
Cycle 3	01/05/05-12/05/05	11.00	24.00

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005, based on the acceptance date of this preliminary plan application.

The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the county. In accordance with CR-78-2005, the applicant has agreed in principle to enter into a mitigation agreement and chosen to pay solely the mitigation fee.

10. **Health Department**— The Health Department has no comment.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Copies of the stormwater management concept approval letter and/or plan were not submitted with this application; however, a concept plan has been submitted to DER and is under review. Because of the overall topography of the site, there are few options available for constructing a stormwater management facility to provide for water quality and water quantity control. The placement near the top of the slope and away from the steam valley is the best alternative. Prior to signature of the preliminary plan, copies of the approved stormwater management concept letter and plan should be submitted and the number and approval date shown on the preliminary plan and the TCPI. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
12. **Historic**—Phase I (Identification) archeological investigations were completed on the above-referenced property and the draft report, “A Phase I Archeological Survey of the Brinkley Property: A 15.12-Acre Parcel located on Brinkley Road in Prince George’s County, Maryland, Development Case No. 4-05077,” was received on January 26, 2006. No archeological sites were identified. The applicant should submit four copies of a revised final report that addresses all staff comments and is approved by staff. No further archeological fieldwork is required by the Planning Department on the subject property. Please note additional work may be required by the Maryland Historical Trust as part of the Section 106 process if federal or state review is required.

13. **Urban Design**—The applicant proposes to develop the site with six single-family, semi-detached dwelling units and 68-quadruple attached dwelling units. Section 27-441(b) Table of Uses, (6) Residential Lodging, permits quadruple attached dwelling units subject to Footnote 2 and semidetached dwelling units subject to Footnote 1. Footnote 2 requires that both of the adjoining pair of dwelling units are erected at the same time, and Footnote 1 requires that the quadruple attached dwelling units be subject to all of the requirements of the R-T Zone.

Densities for both types of dwelling units are established pursuant to Section 27-442(h), Table VII, of the Zoning Ordinance. While the density table does not specifically address quadruple attached dwelling units, Section 27-442(b) permits this type of dwelling unit subject to the standards of townhouses, which includes allowable density of six dwelling units per net tract acre. Semi-detached dwelling units are also allowed at six dwelling units per net tract acre.

Based on the Urban Design Section's review of the above preliminary plan, staff offers the following comments:

Conformance with the *Landscape Manual*:

1. The site will be subject to Section 4.1, Residential Requirements, Section 4.6 Buffering Residential Development from Streets, and Section 4.7 Buffering Incompatible Uses.
  - a. The compliance with the requirements of Section 4.1 will be reviewed at the time of detail site plan review.
  - b. The preliminary plan proposed layout has fronts of Lots 13-24 oriented toward Brinkley Road, which is a collector by road classification. Per Section 4.6, a 35-foot-wide bufferyard would be required if the rears are oriented toward Brinkley Road. The orientation proposed on the preliminary plan is preferable.

Conformance with the Requirement of R-18C

2. The subject site is in conformance with the requirements of R-18C Zone. This development is also subject to all applicable requirements to Section 27-433, R-T (Townhouse) Zone.

Other Design Issues

At the time of detailed site plan, the project will be reviewed for conformance to:

3. Section 27-433(F), Requirements for Proposed Location of Recreational Facilities: The recreational facilities should be easily accessible by residents of the proposed development to maximize its utility and provide views into the common space. The location of a proposed 5,000-square-foot playground (for children 5-12) should be relocated to where units 29-32 are proposed to increase the recreation area's utility or developed in accordance with applicant's Exhibit A. This will be determined with the review of the detailed site plan.
4. Section 27-433, R-T (Townhouse) Zone Requirements: The proposed dwelling units on Lots 12-24 are sited on top of a two-tier retaining wall. These units will be highly visible from Brinkley Road and should be stone or brick veneered and have architectural features

such as reverse gables, bay window, shutters, or trims. The proposed double tier retaining wall should also be stone or brick.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Include the zoning of the property.
  - b. Include the note that the property is the resubdivision of Parcel B.
  - c. Provide a note that two different types of dwelling units, and list the lot numbers, indicating density.
  - d. Conform to applicant's Exhibit A.
  - e. Dimension the open space area located on the south side of Lots 49-54, providing roughly a 9,000 square-foot (180x45) open space area.
  - f. Label the Kildare Historic Site (76B-007).
2. A Type II tree conservation plan shall be approved with the detailed site plan
3. Development of this site shall be in conformance with the approved stormwater management concept plan, and any subsequent revisions.
4. The applicant and the applicant's heirs, successors, and/or assignees shall construct an eight-foot-wide sidewalk along the subject site's entire frontage of Brinkley Road and construct a standard sidewalk along at least one side of the entrance road leading into the subject site from Brinkley Road unless modified by DPW&T.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas where variations have been approved, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures 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 permitted."
6. Prior to the issuance of any permits that impact jurisdictional 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.
7. Prior to signature of the Preliminary Plan, the Type I tree conservation plan must be revised to:
  - a. Provide for at least 2.24 acres of off-site conservation in the worksheet.

- b. Correct the TCP number in the approval block.
  - c. Correct the stormwater concept number in Note 4.
  - d. Correct the expanded stream buffers.
  - e. Revise the grading for the entrance road to avoid all impacts to sensitive environmental features.
  - f. Revise the worksheet as needed.
  - g. Have the revised plan must be signed and dated by the qualified professional who prepared the plan.
8. 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 (TCPI/13/95-02), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
9. Prior to signature of the preliminary plan, copies of the approved stormwater management concept letter and plan must be submitted and the number and approval date shown on the preliminary plan and the TCPI.
10. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 11.4± acres of open space land (Parcel A). Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

- 11. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
- 12. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.
- 13. The applicant, his 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 homeowners land, prior to the issuance of building permits.
- 14. Prior to the issuance of a grading permit for the development, A public safety mitigation fee shall be paid in the amount of \$279,720 (\$3,780 x 74 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
- 15. The review of the detailed site plan shall include but not be limited to:
  - a. Assessment by the Historic Preservation staff for views from the Kildare Historic Site (76B-007).
  - b. Adequate open space for the placement of private on-site recreational facilities. This review could result in a loss of lots if it is determined that additional open space is necessary for siting of the required facilities.
- 16. Prior to the issuance of any building permits within the subject property, provision of a left-turn by-pass lane, and per DPW&T standard along eastbound Brinkley Road and at the proposed site, access shall (a) have full financial assurances through either private money or full funding in the county's Capital Improvement Program, (b) have been permitted for construction by DPW&T, and (c) have an agreed-upon timetable for construction.

17. Total development within the subject property under this preliminary plan shall be limited to 74 single-family attached dwelling units, or other allowed residential uses that generate no more than 54 AM and 61 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/13/95-02 AND VARIATIONS TO SECTION 24-130.