

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



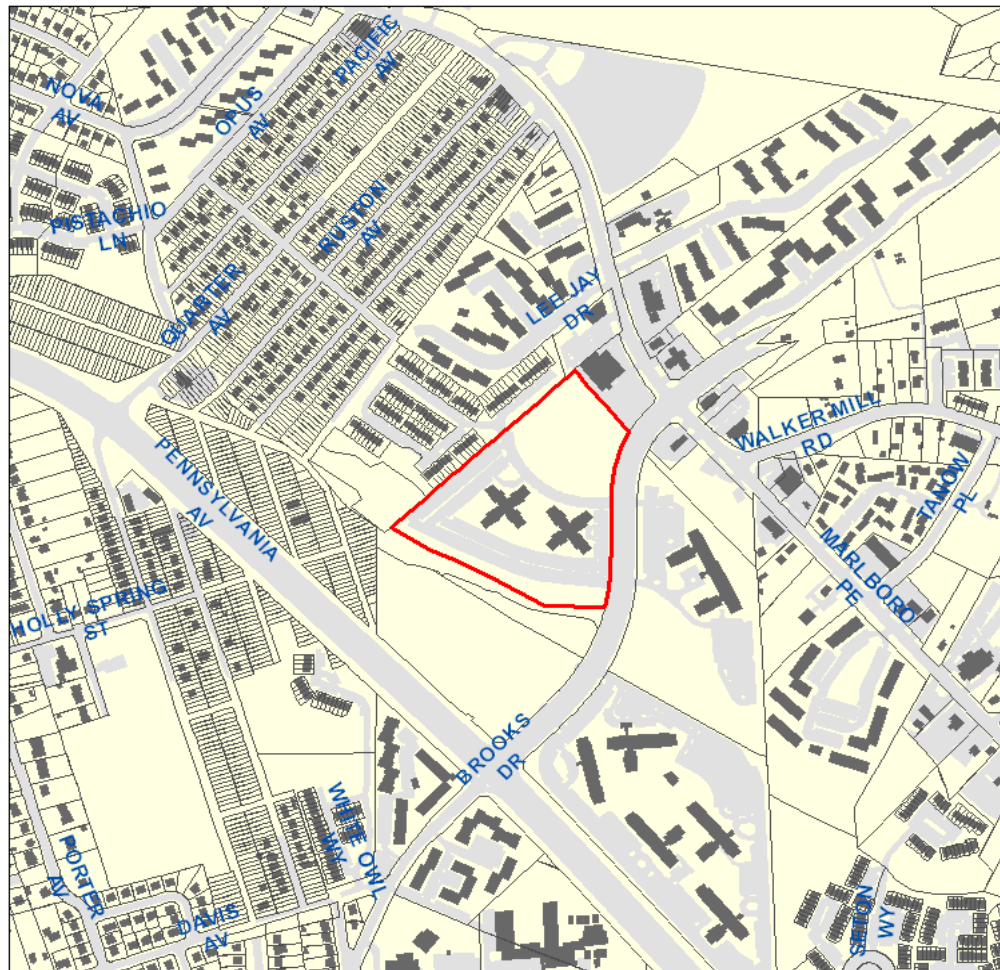
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-11007 Reconsideration Hearing

Application	General Data	
Project Name: Lustine Parcel A and Outlot C Location: Approximately 800 feet north of the intersection of Brooks Drive and Pennsylvania Avenue (MD 4). Applicant/Address: NAI The Michael Companies, Inc. 10100 Business Parkway Lanham, MD 20706 Property Owner: Oakcrest West LLC 300 N. Lee Street Alexandria, VA 22314	Planning Board Hearing Date:	12/20/12
	Staff Report Date:	12/12/12
	Date Received:	08/20/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	4.91
	Zone:	R-10
	Dwelling Units:	120
	Lots:	0
	Parcels/Outlots:	1/1
	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District	06
	Municipality:	N/A
	200-Scale Base Map:	203SE05

Purpose of Application	Notice Dates	
RECONSIDERATION HEARING: The preliminary plan was APPROVED by the Planning Board (PGCPB No. 12-03). Russ Warfel, on behalf of the applicant, by letter dated August 20, 2012, requested a reconsideration of Conditions 1(b), 1(d), 1(e), and 8, and matters relating to Parcel B. That request was approved by the Planning Board on September 13, 2012.	Previous Parties of Record (Applicant):	08/20/12
	Previous Parties of Record (M-NCPPC):	11/29/12

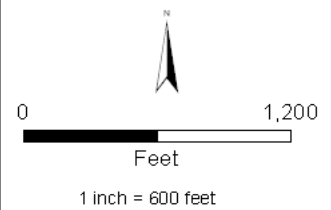
Staff Recommendation		Staff Reviewer: Quynn Nguyen Phone Number: 301-780-2465 E-mail: Quynn.Nguyen@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



SITE VICINITY MAP

Legend

	Site Boundary
	Property
	Building
	Bridge
	Pavement
	Railroad Line



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System

Created: February 24, 2011

**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Reconsideration Hearing for Preliminary Plan of Subdivision 4-11007
Lustine Parcel A and Outlot C

RECONSIDERATION

On January 12, 2012, the Planning Board approved this preliminary plan of subdivision (PPS) (PGCPB Resolution No. 12-03). The preliminary plan was filed on a 15-acre property and was represented as Parcel 3 recorded in land records in Plat Book PB 76-58 on May 5, 1971. At the time PPS 4-11007 was prepared and filed by the applicant they were not aware that a portion of the property which was included in the preliminary plan of the subdivision had been legally subdivided out by deed pursuant to the exemption contained in Section 24-107(c)(7)(D) of the Subdivision Regulations.

In particular, the entirety of Parcel 3, which was the subject of this PPS (4-11007), was originally subdivided as Parcel 3 "Oakcrest Towers" recorded in Plat Book PB 76-58 and had subsequently been divided by deed. On August 27, 1971, the first subdivision by deed for 5.005 acres was recorded in the Land Records of Prince George's County at Liber 3981 Folio 546. The second subdivision by deed for 5.642 acres was recorded May 21, 1973 in the Land Records of Prince George's County at Liber 4224 Folio 541. Both properties were legally created by deed within the time frame set forth in Section 24-107(c)(7)(D) of the Subdivision Regulations which permits the division of land by deed prior to January 1, 1982. The result of those legal two divisions of land was a remainder parcel which is the subject of the revised reconsidered PPS for Parcel A (4.91 acres) generally located north of Ridley Street.

Subsequent to the approval of the PPS (4-11007) and prior to record plat Russ Warfel, on behalf of the applicant by letter dated August 20, 2012, requested a reconsideration of the Planning Boards approval of the PPS based on a mistake to recognize the legal deed division of Parcel 3 as described herein, to reduce the limit of the PPS from 15 acres to 4.91 acres (proposed Parcel A and Outlot C). That request was approved by the Planning Board on September 13, 2012. This technical staff report is prepared in support of the applicants request to reduce the limit of the PPS and modify the findings and conditions of that approval to be limited to the 4.91 acres located on the north side of Ridley Street, saving a narrow strip of land proposed as Outlot C, located on the south side of Ridley Street, west of the Oakcrest Towers, LLC property. Outlot C (731.80 square feet) is to be appropriately retained by the ownership of all of the land south of Ridley Street.

Staff would note that with the approval of the original PPS, which included the property to the south of Ridley Street, variances (3) were required for the existing multifamily dwellings because of the new lot configuration created around those existing multifamily buildings. This reconsideration no longer includes the parcels to the south on which the existing multifamily dwellings are located. Therefore, the variances are no longer required as a part of this preliminary plan of subdivision.

OVERVIEW

The subject site is located on Tax Map 80 in Grid F-1 and is known as part of Parcel 3. The property that is the subject of this preliminary plan is 4.91 acres and was created being a residue of deed divisions, being a legal division of Parcel 3 which was recorded in Plat Book PB 76-58 on May 5, 1971. The original record plat shows a 70-foot-wide easement (Ridley Street) for public ingress/egress extending west to the western property line from Brooks Drive.

The site is within the Multifamily High Density Residential (R-10) Zone and is currently vacant. Two multifamily buildings known as the Oakcrest Towers Apartments (420 dwelling units) are located to the south of the access easement and are not a part of this application. The property has never been the subject of a previously approved preliminary plan of subdivision or a detailed site plan.

Proposed Parcel A is for the development of 120 new multifamily dwellings, which the applicant has indicated may be developed with senior or market rate housing. The proposed Parcel A existing property description extends to the center line of the 70-foot-wide access easement known as Ridley Street and will be dedicated to public use with the record plat. The remaining, southern 35-foot-wide portion of the easement is part of the two acreage parcels to the south (Oakcrest Towers, LLC). The applicant has proffered to dedicate to public use the southern half of the easement with the record plat for Parcel A. Therefore, the plat will dedicate the entire 70-foot-wide existing easement to public use as requested by the Department of Public Works and Transportation (DPW&T).

The site is within the limits of the 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment* and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, which both retained the site in the R-10 Zone. Pursuant to Section 27-439 of the Zoning Ordinance, in the R-10 Zone, a detailed site plan (DSP) is required for multifamily dwellings that are 110 feet high or under and a special exception (SE) and a DSP is required for multifamily dwellings higher than 110 feet. For Parcel A, depending on the height of the proposed multifamily development, a DSP or a SE with a DSP will be required. Approval of a DSP or SE with a DSP for Parcel A should be obtained prior to approval of the final plat. The final plat could then include reference to the required recreational facilities agreement and bonding requirements as discussed further in the Parks and Recreation finding of this report.

As indicated, the property has frontage on Brooks Drive to the east and Ridley Street to the south. The site is currently a single parcel and contains half (35 feet wide) of a 70-foot-wide easement for public ingress/egress, Ridley Street, which runs east to west across the entire site. The easement currently provides the primary vehicular access to the existing multifamily buildings to the south and the neighboring Hutchinson Commons Community to the west to Brooks Drive to the east, a dedicated public right-of-way.

This site, Parcel A does not contain regulated environmental features as noted further in the Environmental finding of this report.

SETTING

The property is located approximately 800 feet north of the intersection of Brooks Drive and Pennsylvania Avenue (MD 4). The neighboring properties to the northwest are zoned One-Family Detached Residential (R-55) and developed with townhouses. The Hutchinson Commons Neighborhood Mini Park (owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC)) is to the southwest. The neighboring property directly northeast is zoned Commercial Shopping Center (C-S-C) and developed with a church. The neighboring properties to the south, on the south side of Ridley Street are zoned Multifamily High Density Residential (R-10) and developed with multifamily dwellings.

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-10	R-10
Use(s)	Residential—Multifamily	Residential—Multifamily
Acreage	4.91	4.91
Lots	0	0
Outlots	0	1
Parcels	1	1
Dwelling Units	0	120
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on August 5, 2011.

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

The land use proposed by this preliminary plan conforms to the land use recommendations of the 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment* and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* for residential development. The sector plan and master plan retained the property in the R-10 Zone.

This application proposes to develop 120 multifamily housing units on proposed Parcel A, directly to the north and across Ridley Street from the existing multi-story apartment complex. The applicant proposes to develop three multifamily buildings with 34 units in each building on Parcel A. The buildings are designed to be located in the interior of the site with parking around

the perimeter. The 2009 Approved Marlboro Pike Sector Plan (SMA) developed design standards that seek to visually tie the corridor together. These standards provide recommendations for each land use entity, including activity nodes, transition areas, and neighborhood areas. The sector plan locates this property in an activity node known as Priority Area 3, which emphasizes pedestrian accessibility and comfort with good connectivity and human-scale features. New construction is recommended to be oriented toward the sidewalk to encourage pedestrian activity and interaction, which also promotes safety and security. The master plan also recommends preserving and expanding the green infrastructure network where applicable and promotes community connectivity with the environment. The applicant will be required to address the Marlboro Pike design standards upon submission of the detailed site plan for Parcel A, which is required for multifamily dwelling units in the R-10 Zone (Section 27-439 of the Zoning Ordinance).

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

Conformance with the requirements of the Zoning Ordinance

Pursuant to Section 27-439, in the R-10 Zone, a detailed site plan (DSP) is required for all proposed multifamily dwellings (110 feet high and under), including any associated community building or recreational facilities, in accordance with Part 3, Division 9 of the Zoning Ordinance. Multifamily dwellings higher than 110 feet are subject to approval of a special exception (SE) site plan. Therefore, prior to approval of the final plat, the proposed multifamily residential buildings on proposed Parcel A will require a DSP if the proposed building is 110 feet high and under, and will require both a DSP and SE if the proposed building is higher than 110 feet.

Section 27-442 of the Zoning Ordinance sets forth various bulk regulations for the site and development that will be judged for the proposed multifamily buildings on Parcel A at the time of DSP or SE review. The conformance of Parcel A with other zoning regulations will be reviewed at the time of DSP or SE.

Conformance with the 2010 Prince George's County Landscape Manual

The property is subject to the requirements of the 2010 *Prince's George's County Landscape Manual*. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Developments from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. Compliance with these regulations for the proposed multifamily residential development will be judged at the time of DSP or SE review.

Other Urban Design Issues

The submitted tree conservation plan shows a conceptual site layout for the proposed multifamily residential buildings on Parcel A that presents some urban design concerns:

- a. Appropriate on-site usable green space and recreational facilities should be provided.
- b. Tall retaining walls, if necessary, should be located towards the rear and sides of the site, away from street frontages. Any structure that is higher than six feet should meet the setback requirements for main buildings.
- c. Multiple driveway entrances should be provided for safety and circulation purposes.

- d. Efforts should be made to place the proposed buildings close to the street frontage to the south and to avoid large expanses of parking between the buildings and the street.
- e. Given the setback and height regulations, consideration should be given to locating all of the proposed multifamily units within one building.
- f. Pedestrian improvements, such as, but not limited to, sidewalk connections, bus shelters, benches, trash receptacles, bike racks, and pedestrian-scale lighting fixtures, should be incorporated into the site design and will be reviewed at the time of DSP.
- g. Footnote 6 in the regulations table for the R-10 Zone requires that at least 80 percent of the total number of dwelling units of the multifamily project shall be within buildings having a minimum height of 52 feet. Not more than 20 percent of the total number of dwelling units of the multifamily project may be in buildings of a lesser height. Conformance with these requirements will be judged at the time of DSP or SE review for Parcel A.

These issues are mentioned now for informational purposes as final design review will be done at the time of DSP or SE review.

4. **Environmental**—The Environmental Planning Section (EPS) has reviewed the Type 1 Tree Conservation Plan TCP1-008-11 stamped as received on November 15, 2012, and recommends approval of Parcel A and TCP1-008-11 subject to the conditions.

The review of this application included an approved Natural Resource Inventory NRI-027-11, Preliminary Plan of Subdivision (PPS) 4-11007, and Type 1 Tree Conservation Plan TCP1-008-11. The PPS and TCP1 were previously approved by the Planning Board to subdivide Parcel 3 (15 acres) into two parcels for multifamily development, that approval was reconsidered by the Planning Board at the request of the applicant once it was determined that the existing Parcel 3 was previously subdivided by deed. On September 13, 2012, the Planning Board approved a reconsideration request and the applicant submitted a revised TCP and PPS proposing Parcel A, Outlot C, and the dedication to public use of half of the ROW of Ridley Street. The proposal is now for multifamily development on Parcel A.

This 4.91-acre site is in the R-10 Zone and is located on the northwest intersection of Ridley Street and Brooks Drive. The project area is comprised of Parcel A, Outlot C, and half of Ridley Street. All of the development will occur on Parcel A. Outlot C is an extension of that area of land that is north of Ridley Street, attached to Parcel A along the southeastern boundary and travels in a southerly direction, only one foot wide, along the eastern boundary of part of Parcel 3. A review of the available information and the approved NRI indicate that the site contains no regulated environmental features on Parcel A, but Outlot C contains 90 square feet of regulated environmental features. The site has frontage along Ridley Street and Brooks Drive, which are not regulated for noise. The soils found to occur on this site according to the NRCS Web Soil Survey are in the Beltsville-Urban land complex and Udorthent-Urban land complex 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 2002 *Prince George's County General Plan*.

Green Infrastructure Plan Conformance

The site contains no 2005 *Approved Countywide Green Infrastructure Plan* features. This area is partially wooded and contains regulated environmental features. The submitted application shows this wooded area to be removed. The proposed design is in conformance with the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

There is an approved Natural Resource Inventory (NRI-027-11) which includes the subject site and the adjacent part of Parcel 3. The subject site contains 90 square feet of regulated environmental features associated with a stream. There is a 2.16-acre woodland area on-site that was identified on the NRI. No specimen trees are located within Parcel A. The information on the signed NRI is correctly shown on the TCP1 and preliminary plan.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area exceeds 40,000 square feet, contains more than 10,000 acres of woodland, and does not have a previously approved tree conservation plan. A type 1 tree conservation plan has been submitted.

The correct gross tract area of the site is 4.91 acres and is shown on the TCP1 as 5.39 acres. This number should be revised. The site has a total woodland conservation requirement of 2.26 acres. The plan shows proposed clearing of 2.16 acres on the net tract, 0.0 acres of forest within the floodplain, and 0.0 acres of off-site woodland clearing. The TCP1 plan proposes to meet the woodland conservation requirement with 2.26 acres of off-site woodland conservation, and 90 square feet within the 100-year floodplain will also be persevered on-site, but not counted towards the requirement. No specimen trees are proposed for removal.

Outlot C site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include streams and their associated 75-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain. The proposed design shows no impacts to regulated environmental features. Therefore, the regulated environmental features have been preserved to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review.

At time of final plat, a conservation easement shall be described by bearings and distances on Outlot C. The conservation easement will contain the delineated primary management area and will be reviewed by the Environmental Planning Section prior to approval of the final plat.

According to the NRCS Soil Survey website, the two soil series underlying the site are Beltsville-Urban land complex and Udorthent-Urban land complex. These soil types generally exhibit slight to moderate limitations due to steep slopes, high water table and impeded drainage. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report in conformance with County Council Bill CB-94-2004 may be required during the permit process review.

5. **Stormwater Management**—The Prince George's County Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Technical Plan, 32661-2009-00, was approved on January 18, 2010. According to the previous approval, stormwater will be addressed through underground storage and treatment. A new valid stormwater management concept

approval letter is required prior to approval of the detailed site plan for Parcel A.

The approved stormwater concept plan is required to be designed in conformance with any approved Watershed Management Plan, which the technical plan approval is based on, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning. As such, the requirements of Section 24-130(b)(4), which requires that a subdivision be in conformance with any watershed management plan have been addressed with the approval of the SWM concept plan by the Department of Public Works and Transportation.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is required for all residential subdivisions, with some exceptions. This application proposes Parcel A for new residential development. The applicant's current proposal for Parcel A is for the development of up to 120 multifamily dwellings, with a projected population of 288 persons.

The applicant has provided a conceptual base package of amenities proposed for the multifamily dwelling units on Parcel A. The proposed amenity list includes:

- Indoor multipurpose room
- Multipurpose/media room
- Cyber café computer room
- Fitness room with exercise equipment
- Outdoor activity patio with moveable furniture
- Landscape and green areas

Private recreational facilities should be provided for Parcel A to meet the requirements for mandatory dedication. The applicant should incorporate more active recreational facilities in their final design with site plan review. The type and amount of private on-site recreational facilities will be guided based on the type of multifamily housing developed, whether senior housing or traditional market rate. The bonding and triggers for the construction of the private recreational facilities should be determined prior to approval of a detailed site plan or special exception and reflected on the final plat. A payment of a fee-in-lieu to supplement the requirements of mandatory dedication may be determined at the time of approval of the detailed site plan and to be paid prior to final plat approval.

The proposed facilities for Parcel A are adequate to meet the requirement of Section 24-134 for mandatory dedication of parkland, with further analysis at the time of SE or DSP review.

7. **Trails**—This preliminary plan has been reviewed for conformance to Section 24-123 of the Subdivision Regulations, the *Approved Countywide Master Plan of Transportation* (MPOT), and the *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (area master plan).

The MPOT, Complete Streets section, Policy 2 recommends that “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.” The subject property is within the Developed Tier, as it is described in the county’s 2002 General Plan, and sidewalks are recommended along Ridley Street. There are no sidewalks along the road at this time. It is recommended that the plans show a sidewalk along Ridley Street and that sidewalk connections be constructed from the interior of the site to the sidewalk at the time of site plan review.

The approved Subregion 4 Master Plan recommends that Brooks Drive contain bike lanes along the subject property frontage. Brooks Drive currently contains sidewalks and appears to be adequate. Further review should occur at the time of DSP. The designated bike lanes may be provided by the county in the future, if the road is re-striped by the county as funds become available. The area master plan contains a policy to provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metrorail stations and schools, and provide for increased nonmotorized connectivity between neighborhoods. The subject property is within a developed area and is a 2.1 mile walk (approximately) from the subject property to the Suitland Metrorail station. Sidewalks along Ridley Street would improve pedestrian circulation along the subject property frontage and improve access for neighborhood residents to schools, bus stops, shopping, and the Metrorail station. It is recommended that sidewalks be provided along the entire subject property frontage of Ridley Street.

The subject property is also in a designated “neighborhood area” as described in the Approved Marlboro Pike Sector Plan (SMA), which contains more “pedestrian zone and streetscape” design guidelines. The guidelines’ specific recommendations for neighborhood areas include consistent and wide concrete sidewalks with a minimum width of five feet that are ADA (Americans with Disabilities Act) compliant and easily accessible. A minimum five-foot-wide landscaped setback between the sidewalk and the curb is recommended in the plan (page 109).

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

8. **Transportation**—The applicant is proposing 120 multifamily residential units on Parcel A. A private street (Ridley Street) was authorized by the Planning Board pursuant to Section 24-128(b)(11) of the Subdivision Regulations at the time of approval of the abutting Hutchinson Commons Community to the west. Parcel A has two driveway aprons along Ridley Street; one adjacent to Brooks Drive and the other adjacent to Gethsemane Way.

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

- **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

- **Unsignalized intersections:** *The Highway Capacity Manual* (Transportation Research Board) 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.

The findings and recommendations outlined below are based upon a review of materials and analyses consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Traffic Study Analysis

A traffic impact study was submitted which included four critical intersections. The traffic counts in the study were taken in March 2011. The traffic generated by the proposed preliminary plan would impact the following critical intersections:

- Marlboro Pike and Capitol Heights Boulevard
- Marlboro Pike and Brooks Drive
- Brooks Drive and Ridley Street (unsignalized)
- Pennsylvania Avenue (MD 4) and Brooks Drive

Using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the development within Parcel A (120 multifamily dwelling units) 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. The traffic study identified the following critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Marlboro Pike and Capitol Heights Boulevard	874	734	A	A
Marlboro Pike and Brooks Drive	1,049	1,222	B	C
Brooks Drive and Ridley Street	11.9*	12.8*	--	--
MD 4 and Brooks Drive	1,060	1,144	B	B
*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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

As indicated above, under existing conditions, all of the intersections are operating at acceptable levels-of-service and/or intersection delay as defined by the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

For background traffic conditions, a growth rate of 1.0 percent per year was used. The growth rate was projected for three years, the expected build-out date for the site. Background development included Dupont Heights, Greater Capitol Heights, Spaulding Heights, the Bradbury Subdivision, the Equinox Condos, and the Suitland Gateway. These approved developments

represent 186 single-family units, 25 townhouses, 676 multifamily units, and 41,500 square feet of retail space. Background conditions are shown in the chart below.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Marlboro Pike and Capitol Heights Boulevard	1,004	916	B	A
Marlboro Pike and Brooks Drive	1,150	1,495	B	E
Brooks Drive and Ridley Street	13.2*	15.2*	--	--
MD 4 and Brooks Drive	1,249	1,400	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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

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

The new trips expected to be generated by the proposed 120 multifamily residential units were added to background traffic to obtain future traffic conditions. The use would generate 62 new trips (12 in, 50 out) during the AM peak hour and 72 new trips (47 in, 25 out) during the PM peak hour.

FUTURE TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Marlboro Pike and Capitol Heights Boulevard	1,009	926	B	A
Marlboro Pike and Brooks Drive	1,159	1,519	C	E
Brooks Drive and Ridley Street	14.1*	15.4*	--	--
MD 4 and Brooks Drive	1,263	1,409	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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

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

DPW&T and SHA Comments

The Department of Public Works and Transportation (DPW&T) requests that the applicant provide a northbound left-turn lane on Brooks Drive at Ridley Street. DPW&T also requests that the existing easement for Ridley Street be converted to a public right-of-way, dedicated to public

use. It is in public interest to convert Ridley Street to a public roadway. DPW&T also recommended that a second access point on Ridley Street near Gethsemane Way be provided for better circulation which will be reviewed at the time of DSP.

Site Access and Circulation

For Parcel A, the preliminary plan identifies one driveway access onto Ridley Street, approximately 50 west of its intersection with Brooks Drive. Based on the closeness of the access point to Brooks Drive, traffic circulation and delivery of public services and safety would be better served with a second access point on Ridley Street. This would be located near Gethsemane Way, preferably opposite existing driveways to the south on part of Parcel 3 (Oakcrest Towers), and will be reviewed with the detailed site plan.

Master Plan Roadways

There are no master plan roadways in the immediate vicinity of the site. Brooks Drive was removed from the 2010 Approved Subregion 4 Master Plan (SMA) as an arterial roadway; the current plan does not designate it as a master plan roadway. Ridley Street is shown on the preliminary plan with a 70-foot right-of-way and a note “to be dedicated to public use” in accordance with DPW&T’s request.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	102	102	102
Pupil Yield Factor	0.042	0.039	0.033
Subdivision Enrollment	4.2	4.0	3
Actual Enrollment	32,508	9,899	16,049
Total Enrollment	32,512.2	9,903	16,052
State Rated Capacity	39,039	11,571	16,314
Percent Capacity	83%	85.6%	98.4%

Source: Prince George’s County Planning Department, M-NCPPC, January 2007

At the time of this analysis the PPS reflected 102 units. The analysis was not recreated based on the 120 units because it is provided for informational purposes only.

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WAMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,565 and \$14,682 to be paid at the time of issuance of building permits for each dwelling unit.

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

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

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

First Due Fire/EMS Company #	Fire/EMS Station	Address
26	District Heights	6208 Marlboro Pike

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

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

Capital Improvement Program (CIP)

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

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

11. **Police Facilities**—The subject property is located in Police District III, Palmer Park. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the M-NCPPC Planning Department on July 15, 2011.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 7/15/2011	7/2010-6/2011	7 minutes	7 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met at the time of acceptance.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily

suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

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

The 2008 *Water and Sewer Plan* placed the subject property in water and sewer Category 3, Community System, and will therefore be served by public systems.

13. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement (PUE) along the public right-of-way for Parcel A as requested by the utility companies.

15. **Historic**—A Phase I archeological survey is not recommended on the above referenced property in Capitol Heights, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property has been previously graded and disturbed. This proposal will not impact any historic sites, historic resources, or documented properties.
16. **Use Conversion**—This preliminary plan was analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, and public facilities, specifically related to the multifamily dwelling land use proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan should be required.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the subject preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Label Outlot C to be retained by owner. Reflect Outlot C as .0168 acres, Parcel A 4.37, and the half of the right-of-way (ROW) easement that is a part of this application as .523 acres, total gross as 4.91.

- b. Clearly label the dedication of that portion of Outlot C which is encumbered by the ROW easement of Ridley Street to be dedicated to public use, and provide the corrected area of Outlot C, “net.”
 - c. Label the southern portion of Ridley Street to be dedicated to public use and remove “by deed.”
 - d. Revise General Note 1 to indicate that the property is part of (P/O) Parcel 3.
 - e. Revise Site Data to indicate that Max dwelling units is 234 (48 DU Acre x 4.91=235), 120 proposed.
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 County Council Bill CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Planning Department.”
- 3. 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 in the Development Review Division of the (M-NCPPC) Planning Department for adequacy and appropriate mix of recreational facilities. A payment of a fee-in-lieu to supplement the requirements of mandatory dedication may be determined at the time of approval of the detailed site plan and to be paid prior to final plat approval.
 - 4. The applicant and the applicant’s heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for the construction of 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.
 - 5. Prior to the approval 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.
 - 6. At the time of final plat, the applicant heirs successors and or assignees shall grant a ten-foot-wide public utility easement (PUE) on Parcel A along the north side of Ridley Street and the west side of Brooks Street (public rights-of-way).
 - 7. At the time of final plat, the applicant shall dedicate 35 feet from the center line of the 70-foot-wide easement (.523 acre) to public use (Ridley Street) as shown on the approved preliminary plan. The final plat shall also include the southern half (35 feet wide) of the easement if the consent of the property owner is obtained.

8. 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. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
9. Prior to approval of the detailed site plan and/or special exception 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:
 - 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 a sidewalk connection from the interior of the site to a sidewalk along Ridley Street.
10. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of permits.
11. 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).
12. Development of this site shall be in conformance with the approved Stormwater Management Technical Plan 32661-2009-00, and any subsequent revisions.
13. At time of final plat, a conservation easement shall be described by bearings and distances on Outlot C. The conservation easement shall contain the delineated primary management area (PMA) and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
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.
15. 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.

16. Prior to signature approval the Type I Tree Conservation Plan shall be revised to reflect that the gross site area is 4.91 acres (Outlot C.0168 acres, Parcel A 4.37 acres, half ROW.523 acres).

STAFF RECOMMENDS APPROVAL OF TYPE 1 TREE CONSERVATION PLAN TCP1-008-11