

February 20, 2013

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Supervisor, Urban Design Section, Development Review Division

FROM: Susan Lareuse, Master Planner, Urban Design Section, Development Review Division

SUBJECT: Conceptual Site Plan, CSP-11002
Kiplinger Property

In the original staff report dated February 13, 2013, the Environmental Planning Section (EPS) reported that it was in the process of reviewing the application and has since submitted a referral to the Development Review Division. The Environmental Planning Section recommends approval of Conceptual Site Plan CSP-11002 with conditions. The following are the recommended findings and conditions for Planning Board consideration (numbered in order consistent with the findings and conditions referenced in the staff report dated February 13, 2013).

21. (f) The Environmental Planning Section previously issued a Standard Letter of Exemption from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) for this site on May 24, 2011. The site is subject to the environmental regulations in Subtitles 25 and 27 that became effective on September 1, 2010 because there are no previously approved development plans.

Environmental Site Description

A review of the available information indicates that no wetlands, streams or floodplain are found to occur on the subject project area. The site does contain stream buffer associated with an off-site stream south of the site. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Codorus and Hatboro soils, Codorus-Hatboro-Urban land complex, Russett-Christiana-Urban land complex, and Urban land soils series. According to available information, Marlboro clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The site drains to the south towards an adjacent off-site unnamed stream, which drains to the Northwest Branch and is part of

Anacostia watershed. According to PGAtlas.com, this site is not within the designated network of the Approved Countywide Green Infrastructure Plan. The site has frontage on East-West Highway, a master planned arterial road. This roadway is evaluated for traffic-generated noise when residential uses are proposed. East-West Highway is not designated a scenic or historic road.

Conformance to the Prince George's Plaza (June 1998) TDDP

Stormwater

P25– Any Development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bio-retention or other innovative water quantity or quality methods shall be used where deemed appropriate.

The site has a Stormwater Management Concept Approval Letter 28828-2011-00. The associated plan shows 14 micro-bioretenction ponds throughout the development. These ponds will drain into the county storm drain system. The associated concept plan has been reviewed and no fee is required for on-site attenuation/quality control measures. However, the stormwater management plan is based on a site layout different from the layout presented in the proposed CSP. Therefore, the staff recommends that the applicant be required to revise the stormwater management concept plan to conform to a plan of development consistent with the proposed CSP or future proposed detailed site plan (DSP), respecting the landscaped buffer required between the school and the subject property and providing enough soil area free and clear of stormwater management facilities and other utilities to provide tree canopy coverage on the site.

P26– Where stormwater management cannot be provided for existing developed properties, a mandatory 15 percent green space requirement shall be provided. The green space can be incorporated into the mandatory 10 percent afforestation required if it occurs on the actual property.

A copy of the stormwater management concept plan shows 14 micro-bioretenction ponds throughout the development. There is also green space proposed along the southern boundary adjacent to the school property and is proposed to be landscaped. At the time of detailed site plan, the location of micro-bioretenction areas should not be co-located where landscaping is required to fulfill the minimum requirements of the Landscape Manual, unless adequate soil volume and elevations are such that co-location will result in healthy plant growth.

S31– At the time of Detail Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.

This requirement has not been met with this submission. Trash receptacles must be strategically located to prevent litter accumulation. In the Statement of Justification, the applicant states that this information will be provided with the detail site plan. A landscape plan will be provided showing the locations of the proposed trash receptacles.

Recommended Condition: Prior to approval of the detailed site plan, the landscape plan and/or hardscape plan shall show the location of all trash receptacles.

S32– Prior to the final inspection and sign off of permits by the Sediment/Stormwater or Building Inspector, and storm drain inlet associated with the development and all inlets on the subject subarea shall be stenciled with “Do Not Dump, Chesapeake Bay Drainage.” The Detailed Site Plan and the Sediment Control Plan (in the sequence of construction) shall contain this information.

A sediment and erosion control plan and detailed site plan are not required with this submission; this stenciling information should be addressed at the time of detailed site plan.

Recommended Condition: Prior to approval of the detail site plan, the DSP shall include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump – Chesapeake Bay Drainage” with the submission. Prior to the issuance of the first grading permit, a copy of the sediment and erosion control plan containing notes and details regarding the same stenciling shall be submitted.

Woodland Conservation - Mandatory Development Requirements

S33– Afforestation of at least 10 percent of the gross tract shall be required on all properties within the Prince George’s Plaza Transit District currently exempt from the Woodland Conservation and Tree Preservation Ordinance. Afforestation shall occur on-site or within the Anacostia watershed in Prince George’s County, with priority given to riparian zones and nontidal wetlands, particularly within the Northwest Branch Sub-watershed.

This property is not subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans. A Type 1 Tree Conservation Plan (TCP1-059-03-01) was submitted with the CSP application, but is not required.

As such, the site is required to provide ten percent afforestation either on-site or within the Anacostia watershed, as per the mandatory requirement above. The gross tract area of the site is 11.68 acres. The requirement for afforestation for the subject site is 1.17 acres. According to the submitted plan, the applicant has proposed to meet this requirement off-site. At this time, no off-site afforestation area has been identified by the applicant.

The intent of this requirement was to increase the tree canopy coverage within the Anacostia Watershed by planting additional trees. In the majority of past cases in the subject Transit District Development Plan (TDDP), S33 has been addressed through the provision of woodland conservation at off-site locations. In the majority of those cases, the applicants were not able to meet the requirement within the Anacostia watershed because of the absence of viable planting sites. Before being allowed to meet the requirement elsewhere in Prince George’s County, these applicants were required to show due diligence in seeking sites within the Anacostia watershed. In other cases, particularly within the vicinity of the subject site, the Planning Board and District Council have accepted the on-site tree canopy through the landscaping of trees as an accepted method of meeting this requirement, through an amendment procedure at the time of DSP, such as was allowed on the Belcrest Plaza property. Tree canopy coverage regulations contained in Subtitle 25, Division 3, require a ten percent tree canopy coverage for sites zoned M-X-T. So it is possible to meet the ten percent afforestation requirement above and the ten percent tree canopy coverage requirement with the same vegetation. At the time of the detailed site plan, the DSP should demonstrate how the afforestation requirement above will be met either as off-site as currently proposed, or the applicant could apply for an amendment to the requirement above and request that the tree canopy coverage be allowed to be counted toward the afforestation requirement above and show plantings on the

landscape plan, through the amendment procedure.

100-Year Floodplain–Mandatory Development Requirements

- P28– Any new development or reconstruction of existing development shall be in conformance with the Prince George’s County Floodplain Ordinance.**
- P29– No development within the 100-year floodplain shall be permitted without the express written consent of the Prince George’s County Department of Environmental Resources.**
- P30– If the development is undergoing subdivision, approval of a variation request shall be obtained for proposed impacts to the floodplain.**

The site does not contain areas of 100-year floodplain.

Nontidal Wetlands - Mandatory Development Requirements

- P31– If impacts to nontidal wetlands are proposed, a Maryland Corps of Engineers Joint Permit Application shall be required and, where required, issuance of the permit.**
- P32– If impacts to nontidal wetlands are proposed, a State Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required from the Maryland Department of the Environment.**

The site does not contain areas of wetlands.

Noise Impacts - Mandatory Development Requirements

- P33– Each Preliminary Plat, Conceptual and/or Detailed Site Plan shall show a 65dBA (Ldn) noise contour based upon average daily traffic volumes at LOS E. Upon plan submitted, the Natural Resource Division shall determine if a noise study is required based on the delineation of the noise contour.**
- P34– If it is determined by the Natural Resource Division that a noise study is required, it shall be reviewed and approved by the Natural Resource Division prior to approval of any Preliminary Plat of Subdivision, Conceptual and/or Detailed Site Plan. The study shall use Traffic volumes at LOS E and include examination of appropriate mitigation techniques and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road to the nearest habitable structure is required.**

Policies contained in the 2002 *Prince George’s County General Plan* call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Noise is generally regulated along roads with a classification of arterial or higher, and for residential uses.

The project proposes to construct a mixed-use development with some retail/commercial, but predominately residential in nature. The north is bounded by East-West Highway (MD 410), which is identified as an arterial roadway that has enough traffic to produce noise levels above 65 dBA Ldn. Retail and commercial uses would not generally be regulated for noise impacts, however; noise impacts on residential uses are regulated by P34 above.

Using the Environmental Planning Section (EPS) Noise Model and applying an average daily traffic

(ADT) count at build-out of the subject property results in 26,771 ADT, as indicated on the Maryland State Highway traffic volume map, and combined with a posted traffic speed of 40 mph, the unmitigated 65 dBA Ldn noise contour should be located approximately 168 feet from the center line of East-West Highway. The CSP submitted on November 26, 2012, does show a noise contour; however it is located at approximately 180 feet. Staff is not sure what information the applicant based the 180-foot noise line on, as shown on the plan. The CSP should be revised to show the correct location of the unmitigated noise contour, or provide a Phase I Noise Study that has determined the location of the unmitigated 65Dba Ldn noise contour.

According to the submitted plans, multifamily residential structures will be exposed to transportation noise levels of at least 65 dBA Ldn. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate shell construction methods. The acceptable noise level in outdoor activity areas is 65 dBA Ldn or less for outdoor activity areas. At the time of DSP, the recreational package for the future residents will be determined, and any outdoor facilities should be located outside of the noise impact areas on appropriate mitigation should be demonstrated.

Recommended Condition: Prior to certification of the conceptual site plan, the CSP shall be revised to correctly show the location of the unmitigated 65dBA Ldn noise contour at 168 feet from the centerline of East-West Highway (MD 410) or provide a Phase I Noise Study that determines the location of the unmitigated 65dBA Ldn noise contour.

Recommended Condition: Prior to the acceptance of the DSP, the plans shall reflect the unmitigated 65dBA Ldn noise contour in accordance with the CSP.

Recommended Condition: At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.

Conformance with the Countywide Green Infrastructure Plan

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

Environmental Review

- a. A Natural Resource Inventory Equivalency letter, NRI-090-11, in conformance with the environmental regulations was issued on April 25, 2011 and submitted with the current application. The site has less than 10,000 square feet of woodlands and stream buffer associated with an off-site stream to the south of the site. The stream buffer is shown on a TCP 1 but is not shown on the CSP.

Recommended Condition: Prior to certification of the conceptual site plan, the CSP shall be revised to show the limits of the 60-foot stream buffer and primary management area (PMA).

- b. This site contains natural features that are required to be protected under Section 27-276(b)(4) of the Zoning Ordinance, specifically a stream buffer. 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 generally require variations to the Subdivision Regulations, but this project is exempt from the preliminary plan process.

The site contains a stream buffer associated with an off-site stream to the south of the site, on the Board of Education (BOE) property. This off-site stream results in a primary management area (PMA) on the site as a result of the 60-foot stream buffer that extends onto the subject site. Currently, the area of stream buffer on the subject site contains existing parking areas and maintained lawn areas.

The applicant has submitted a Letter of Justification dated February 12, 2013, for existing and proposed impacts to the buffer. The CSP proposes parking lot replacement (435 square feet) and parking lot removal (3,215 square feet). The area of parking lot removal will be redesigned and landscaped with trees and shrubs. Staff supports the applicant's request, because this activity will reduce the amount of existing impervious area by 2,780 square feet within the stream buffer and reestablish a pervious green space area on-site. The proposed impacts will be further evaluated at the time of the DSP review to further protect the feature, if possible.

Environmental Review Conclusion

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review.

Recommended Additional Conditions (numbered in order consistent with the staff report dated February 13, 2013):

4. Prior to approval of the detailed site plan, the landscape plan and/or hardscape plan shall show the location of all trash receptacles.
5. Prior to acceptance of the detailed site plan, the plans shall include notes and a detail regarding the stenciling of storm drain inlets with "Do Not Dump – Chesapeake Bay Drainage."
6. Prior to the issuance of the first permit, a copy of the sediment and erosion control plan containing notes and details regarding the stenciling of the storm drain inlets shall be submitted.
7. At the time of the detailed site plan, the plans shall demonstrate how the ten percent afforestation requirement for S33 of the TDDP will be met.
8. Prior to certification of the conceptual site plan, the CSP shall be revised to correctly show the location of the unmitigated 65dBA Ldn noise contour at 168 feet from the centerline of East-West-Highway (MD 410), or provide a Phase I Noise Study that determines the location of the unmitigated 65dBA Ldn noise contour.
9. Prior to the acceptance of the DSP, the plans shall reflect the unmitigated 65dBA Ldn noise contour in accordance with the CSP.

10. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.
11. Prior to certification of the conceptual site plan, the CSP shall be revised to show the limits of the 60-foot stream buffer and primary management area (PMA).
12. Prior to acceptance of the DSP, the stormwater management concept plan and letter shall be revised to reflect a site layout consistent with the proposed DSP and stormwater management techniques. This shall not impinge upon the landscape buffer along the southern property line, and shall not conflict with the other requirements of the 2010 *Prince George's County Landscape Manual* on the requirements to fulfill the Tree Canopy Cover Ordinance (TCC), per subtitle 25 of the County Code.