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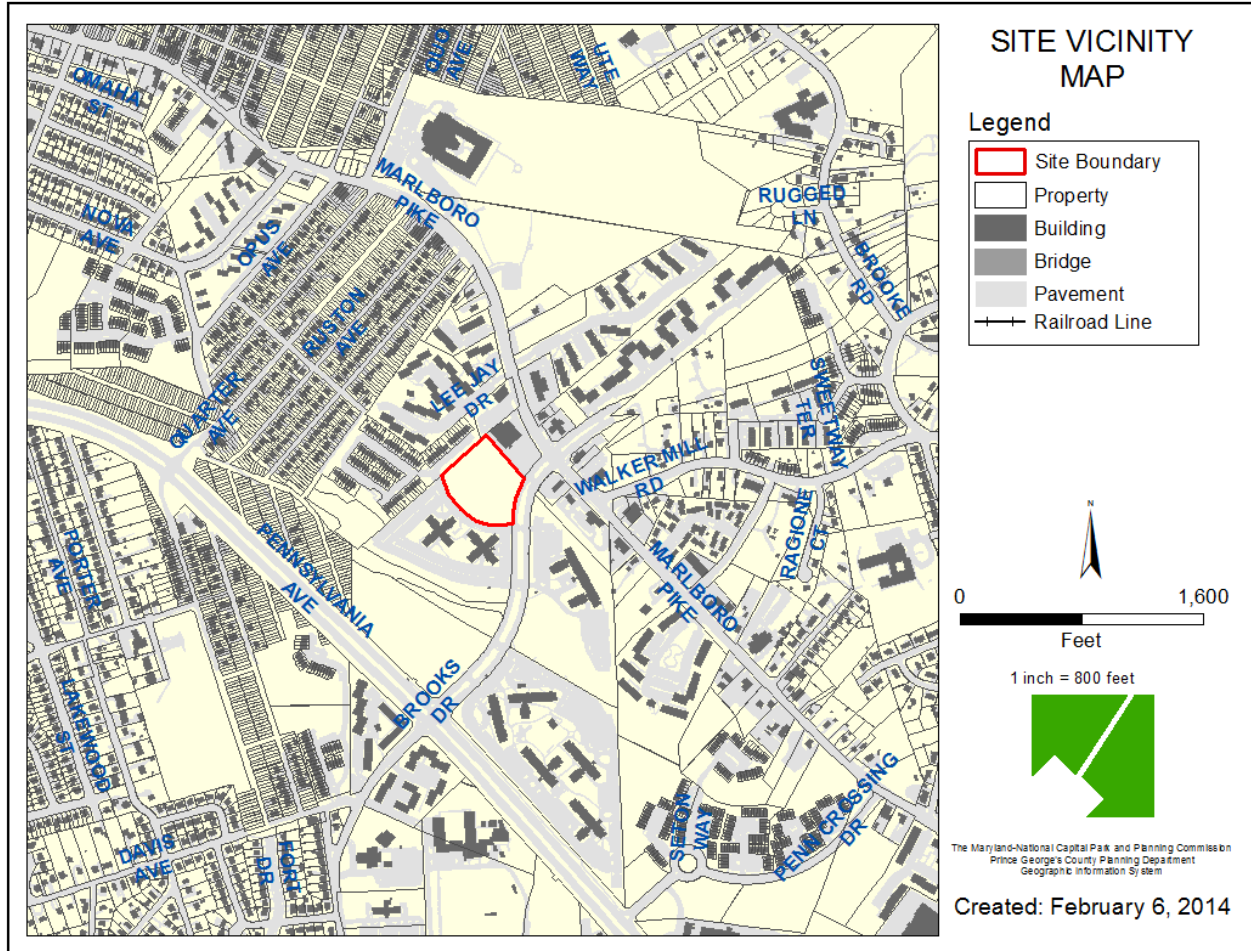
Detailed Site Plan

DSP-13012

Application	General Data	
Project Name: Conifer Village at Oakcrest Location: In the northwestern quadrant of the intersection of Brooks Drive and Ridley Street. Applicant/Address: Conifer Realty LLC 8808 Centre Park Drive, Suite 205 Columbia, MD 21045	Planning Board Hearing Date:	03/13/14
	Staff Report Date:	02/27/14
	Date Accepted:	11/20/13
	Planning Board Action Limit:	Waived
	Plan Acreage:	4.343
	Zone:	R-10
	Dwelling Units:	120
	Gross Floor Area:	125,000 sq. ft.
	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District	06
	Municipality:	None
	200-Scale Base Map:	203SE05

Purpose of Application	Notice Dates	
Construction of 120 multifamily housing units in a single building.	Informational Mailing:	03/14/13
	Acceptance Mailing:	11/20/13
	Sign Posting Deadline:	02/11/14

Staff Recommendation		Staff Reviewer: Ruth Grover, MUP, AICP Phone Number: (301) 952-4317 E-mail: Ruth.Grover@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-13012
Type 2 Tree Conservation Plan TCP2-039-13
Conifer Village at Oakcrest

The Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this staff report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance, specifically:
 - (1) Section 27-439 which specifies the purposes of the R-10 (Multifamily High Density Residential) Zone;
 - (2) Section 27-441 which specifies uses permitted in residential zones;
 - (3) Section 27-442 which specifies the regulations in residential zones; and
 - (4) Section 27-285(b)(1) and (4), the required findings for approving detailed site plans.
- b. The requirements of Preliminary Plan of Subdivision 4-11007.
- c. The requirements of the 2010 *Prince George's County Landscape Manual*.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- f. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design staff recommends the following findings:

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

2. **Development Data Summary:**

	Approved	Proposed
Zone	R-10	R-10
Uses	Multifamily	Multifamily
Acreage	4.343 (Parcel A)	4.343 (Parcel A)
Multifamily Units	120	120

3. **Location:** The subject project is located in the northwestern quadrant of the intersection of Brooks Drive and Ridley Street, in Planning Area 75A, Council District 7, and the Developed Tier.
4. **Surrounding Uses:** The subject site is surrounded to the northwest by a townhouse development in the One-Family Detached Residential (R-55) Zone; to the northeast by a church in the Commercial Shopping Center (C-S-C) Zone; to the east by Brooks Drive, a 120-foot-wide public right-of-way, with multifamily residential use in the Multifamily Medium Density Residential (R-18) Zone beyond; to the south and southwest by Ridley Street, a 70-foot-wide private right-of-way dedicated to public use, with multifamily residential use in the R-10 Zone beyond.
5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-11007, which was approved by the Prince George's County Planning Board on December 20, 2012. A resolution of approval for the preliminary plan, PGCPB Resolution No. 12-03, was adopted by the Planning Board on January 24, 2013, formalizing the approval. The site is also the subject of Stormwater Management Concept Plan 32661-2009-00, approved by the Department of Public Works and Transportation (DPW&T) on May 4, 2013 and valid for three years, or until May 4, 2016.
6. **Design Features:** The site has a single vehicular access from its Brooks Drive frontage, leading into the main parking area. A proposed six-foot-wide trail commences from the neck of the accessway parallel to the most proximate parking area. In order to facilitate pedestrian access, a proposed condition in the Recommendation section of this staff report would require that, prior to signature approval, the trail be extended along the northern side of the vehicular accessway connecting the on-site trail with the sidewalk along Brooks Drive. The six-foot-wide trail extends from the accessway along the perimeter of the parking areas as it travels in a circular fashion around the site, through a landscaped area behind the building, by an exercise area which contains three fitness stations, eventually splitting to lead either to the six-foot-wide sidewalk along Ridley Street or the proposed terrace adjacent to the building. The terrace contains four tables and chairs, proximate to a lawn court to be utilized either for badminton or bocce and a horseshoes court. As the recreational facilities to be provided for the development are not specified on the detailed site plan (DSP), a proposed condition in the recommendation section of this staff report would require that the recreational facilities being provided for the project be clearly labeled on the site plan and detailed in a general note, with final approval of that revision to be approved by the Planning Board or its designee.

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

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The proposed project is designed in accordance with the requirements of Section 27-439, R-10 Zone (Multifamily High Density Residential); Section 27-441, Uses Permitted in Residential Zones; and Section 27-442, Regulations for Residential Zones of the Zoning Ordinance. The subject project also conforms to the requirements of Section 27-285(b)(1) and (4), the required findings for a DSP.
8. **Preliminary Plan of Subdivision 4-11007:** The project site is subject to the relevant requirements of the approval of Preliminary Plan of Subdivision 4-11007 approved by the Planning Board on December 20, 2012 and formalized in PGCPB Resolution No.12-03, adopted by the Planning Board on January 24, 2013. The relevant requirements of that approval are included in **boldface** type below followed by staff comment.

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

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

Comment: Conformance to the requirements of this condition is triggered at the later time of final plat approval. The Environmental Planning Section stated, in a memorandum dated February 18, 2014, that none of the environmentally-related conditions of PGCPB Resolution No. 12-03 are relevant to the review of the subject application.

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

Comment: The site is the subject of approved Stormwater Management Concept Plan 32661-2009-00 approved May 4, 2013 and valid for a period of three years. In a memorandum dated December 17, 2013, the Department of Permitting, Inspections and Enforcement (DPIE) stated that the subject DSP does not conform to the requirements of that concept. However, a

proposed condition in the Recommendation section of this staff report would require that, prior to certificate approval of the plan, the applicant shall submit documentation from DPIE that the subject DSP conforms to the requirements of the approved stormwater management concept plan for the site.

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

Comment: The on-site recreational facilities, both indoor and outdoor, have been reviewed by the Urban Design Section and found to be adequate, except as previously mentioned regarding the need to more particularly label and describe the recreational facilities to be provided on the DSP. In addition, the list of proposed recreational facilities includes a patio and guest suite, neither of which is classified as a recreational facility by the *Park and Recreation Facilities Guidelines* because they are integral elements of the multifamily building, and may be a setting for recreation facilities, but are not recreational facilities in and of themselves. A proposed condition in the Recommendation section of this staff report would require that, prior to signature approval, the applicant substitute other equivalent recreational facilities for these two items, with final approval of the recreational facilities substitution to be approved by the Planning Board or its designee. Although this condition would allow the applicant to pay a fee to supplement the requirements of mandatory dedication at the time of approval of a DSP for the project, the applicant did not make a proffer in this respect.

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

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

7. **Prior to issuance of building permits for Parcel A, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on Parcel A.**

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

8. **At the time of final plat, the applicant shall *[dedicate] grant a ten-foot 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). [public right-of-way as delineated on the approved preliminary plan of subdivision. For Parcel B, the applicant shall provide a ten-foot public utility easement (PUE) or alternative easement acceptable to all applicable utilities, in conjunction with the final plat approval.]**

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

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

Comment: In a memorandum dated January 7, 2014, the Transportation Planning Section stated that the DSP, which includes 120 multifamily residential units, does not exceed this trip cap.

11. **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 in the detailed site plan review:**
 - a. **Provide a second access point onto Ridley Street for Parcel A. The second access point should be across from the existing entrance on Ridley Street for Parcel B, near Gethsemane Way.**
 - *[b. **Provide five-foot-wide sidewalks along Ridley Street. The sidewalk should be constructed with a minimum five-foot-wide landscaped setback between the sidewalk and curb as recommended in the 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment*.]**
 - *[c]b. **Provide a sidewalk connection from the interior of the site to a sidewalk along Ridley Street.**

Comment: In a supplementary email received February 21, 2014, the Transportation Planning Section stated that, with respect to Subpart (a) above, no access points are shown onto Ridley Street from Parcel A. A commercial driveway onto Brooks Drive with a median break allowing left turns into the site from the south/west (but no left turns out of the site) is proposed. Left turns leaving the site could proceed to the median break at Ridley Street and complete a U-turn at that point; the median is sufficiently wide to provide adequate refuge for the very limited number of vehicles per hour that would make this movement. This access and its design have been discussed with representatives of DPIE. Pending finalization of the design by DPIE, this access arrangement is deemed to be acceptable and generally consistent with the requirements of Condition 11. In a memorandum dated December 27, 2013, the trails coordinator noted that the required sidewalks are provided on the site plans as required by Subpart (b) of the above-cited Condition 11.

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

Comment: This requirement is inapplicable to the subject project as the proposed development is residential.

- 13. Prior to final plat approval, a special exception (SE) shall be approved for all proposed multifamily residential dwellings on Parcel A in buildings over 110 feet high, including any associated community buildings or recreational facilities, in accordance with Part 4, Division 1 of Subtitle 27 of the County Code. After the SE approval, a DSP including any associated community buildings or recreational facilities shall also be approved, in accordance with Part 3, Division 9 of Subtitle 27.**

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

- 14. Prior to the issuance of any building permits for each phase of the subject property, the following road improvement shall (a) have full financial assurances, (b) have been designed per the appropriate operating agencies and (c) have been permitted for construction through the operating agency's access permit process: Construct northbound left turn lane on Brooks Drive at Ridley Street. At the time of detailed site plan, if there is no access directly to Ridley Street from Parcel A, the construction of the northbound left lane on Brooks Drive is not required.**

Comment: Although this requirement is triggered at the later time of issuance of building permits for the project, supplementary comments received from the Transportation Planning Section offered the following regarding the subject plan's conformance to this condition:

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

In supplementary comments received from the Subdivision Review Section dated February 24, 2014, they offered the following regarding Conditions 11 and 14 of the Preliminary Plan 4-11007:

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

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

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

9. **2010 Prince George's County Landscape Manual:** The proposed DSP is subject to the requirements of Section 4.1, Residential Requirements for Single-Family Detached Dwellings; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements ; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Staff has reviewed the submitted site plan against the requirements of the above-cited sections of the Landscape Manual and found them in conformance with all of the relevant requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved tree conservation plan. Further, the site is the subject of approved Type 1 Tree Conservation Plan TCP1-008-11 and submitted Type 2 Tree Conservation Plan TCP2-039-13, which the Environmental Planning Section recommended for approval with conditions in their memorandum regarding the project dated February 18, 2014. As those proposed conditions have been included in the Recommendation section of this staff report, it may be said that the subject project conforms to all of the applicable requirements of the WCO.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The project is subject to the requirements of the Tree Canopy Coverage Ordinance. The applicant has included the correct tree canopy coverage (TCC) schedule on Sheet 1 of the landscape plan submitted for the project. The TCC schedule correctly reflects that 15 percent tree canopy coverage is required for the subject project due to its presence in the R-10 Zone. As the site measures 4.91 acres, 15 percent would equal 0.7365 acre, or 32,082 square feet, of required tree canopy. The applicant has met and exceeded this TCC requirement as follows:

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

12. **Referral Comments:**

- a. **Historic Preservation Section**—In a memorandum dated December 6, 2013, the Historic Preservation Section stated that their review of DSP-13012, Conifer Village at Oakcrest, found that the project would have no effect on identified historic sites, resources, or districts.

- b. **Archeological Review**—In a memorandum dated December 2, 2013, the archeology planner coordinator indicated that a Phase I archeological survey would not be recommended for the site as a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of finding archeological artifacts within the subject property is low as the subject property had been previously graded and disturbed. In closing, she concluded that the subject proposal would not impact any historic sites or resources, or otherwise documented properties.
- c. **Community Planning Division**—In a memorandum dated December 20, 2013, the Community Planning Division stated that the subject application conforms to the residential high land use recommendation of the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) and the vision of the 2002 *Prince George's County Approved General Plan* of a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. With respect to the subject property's location within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) impact area, the Community Planning Division stated that the property is within an area of the ILUC known as Imaginary Surface F with a 500-foot height limitation above the runway surface; is outside the 65 dBA Ldn noise contour, making noise attenuation not necessary; is not in the accident potential zone; and, therefore, has no limitations on use or density of development. They noted, however, that the above specifics regarding the project's location in the ILUC impact area should be noted on the plan.

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

In closing, the Community Planning Division raised the following planning issue:

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

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

- d. **Transportation Planning Section**—In a memorandum dated December 6, 2013, the Transportation Planning Section offered comment on Preliminary Plan 4-11007 transportation-related Conditions 10, 11, and 14 (see Finding 8 for a discussion of those

conditions). The Transportation Planning Section, noting that a crosswalk is shown within the commercial entrance from Brooks Drive connecting a proposed six-foot-wide internal trail, which extends to Brooke Drive, stated that they found proposed on-site circulation and parking areas acceptable. The Transportation Planning Section then noted that Ridley Street is shown on the plan as a private road dedicated to public use with a 70-foot-wide right-of-way and that it was authorized by the Planning Board at the time of approval of the abutting Hutchinson Commons Community. Further, they stated that Brooks Drive is shown with a 120-foot-wide right-of-way and that it was removed from the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* as a master plan roadway and that no further road dedication along it would be required. In closing, the Transportation Planning Section stated that they had determined that the site plan is acceptable pending further discussion regarding access in accordance with Condition 11 of the preliminary plan. However, in a subsequent email received February 21, 2014, the Transportation Planning Section offered the following additional comments:

Revised plans showing a revised access have been submitted for review for DSP-13012. Please note that the Transportation Planning Section would reaffirm most of the comments in the January 7, 2014 memorandum with the exception of the following:

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

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

- The staff response regarding Condition 14 shall be modified as follows:

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

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

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

Comment: Staff has included a proposed condition in the Recommendation section of this staff report requiring that the applicant provide documentation from DPIE that they approve of the precise design and location of the median break as shown on the DSP at the Brooks Drive vehicular access to the project.

- e. **Subdivision Review Section**—In a memorandum dated January 14, 2014, the Subdivision Review Section offered the following:

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

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

As the initial site layout proposed by the applicant did not address all of the issues and concerns that were raised by the approved preliminary plan, the Subdivision Section suggested that the DSP be revised and indicated that they would provide further comments when the revised plan was submitted. Revised plans were then received and circulated to the Subdivision Section for review on February 7, 2013. In response, the Subdivision Section, in a memorandum dated February 14, 2014, had the following supplementary comments on the revised plans submitted by the applicant:

In supplementary comments provided by the Subdivision Section on February 25, 2014, they indicated that they had received a revised plan for the project indicating a median break at the Brooks Drive vehicular access point to the project and that it modified their comments to preliminary plan Conditions 11 and 14. See Finding 10 for a detailed discussion of those comments.

In closing, the Subdivision Section noted that failure of the site plan and record plats to match, including bearings, distances, and lot sizes, will result in permits being placed on hold until the plans are corrected.

- f. **Trails**—In a memorandum dated December 27, 2013, the trails coordinator stated that he reviewed the subject DSP for conformance to the requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA), and the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. Further, he offered the following review comments:

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

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Comment: See Finding 8 of this staff report for a discussion of trails-related Conditions 11 and 15 of approved Preliminary Plan 4-11007, as formalized in PGCPB Resolution No. 12-03.

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

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

Comment: The above-proposed condition has been included in the Recommendation section of this staff report.

- g. **Permit Review Section**—In an email received January 15, 2014, the Permit Review Section stated that they had no comment regarding the subject project other than that the appropriate trigger to be utilized in the recreational facilities agreement for the project should be prior to permit approval, not issuance.

Comment: A proposed condition in the Recommendation section of this staff report requires that the appropriate trigger be prior to approval of the use and occupancy permit because it is likely there will only be one building permit for the project.

- h. **Environmental Planning Section**—In a memorandum dated February 18, 2014, the Environmental Planning Section offered the following environmental background for the project:

The Environmental Planning Section previously reviewed Natural Resources Inventory NRI-027-11 and Preliminary Plan 4-11007 with Type 1 Tree Conservation Plan TCP1-008-11 for the subject property. The NRI was approved by the Environmental

Planning Section, and the preliminary plan and TCP1 were approved by the Planning Board to subdivide a 15-acre parcel into two parcels for multifamily development. Subsequent to that approval, it was determined that the existing parcel was previously subdivided (Parcel 3 and residual of Parcel 3) by deed prior to approval of 4-11007. On September 13, 2012, the Planning Board approved a reconsideration request to exclude Parcel B and associated conditions (previously Parcel 3) from the preliminary plan application.

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

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

The Environmental Planning Section then offered the following regarding grandfathering of the subject project from regulations regarding woodland and wildlife:

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

The Environmental Planning Section then offered the following description of the site's environmental features:

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

The Environmental Planning Section then noted that the Planning Board approved Preliminary Plan 4-11007 and TCP1-008-11 on January 12, 2012 subject to conditions listed in PGCPB Resolution No. 12-03(A), but that none of the conditions of approval are applicable to the environmental review of this application, which follows:

- A signed Natural Resources Inventory (NRI-027-11) was submitted with the application. The site contains no primary management area. The forest stand delineation report describes one forest stand totaling 2.16 acres. There are no specimen trees on the site. The NRI states that the forest acreage is 2.16 acres.
- The location and dimensions of environmental features on the NRI match what is shown on the TCP2. No further information with regard to the NRI is required.

- This property is subject to the provisions of the WCO because it has a previously approved tree conservation plan. Type 1 Tree Conservation Plan TCP1-008-11 has been approved for this site. A TCP2 has been submitted covering 4.87 acres.
- The woodland conservation threshold for this site is 20 percent of the net tract area or 0.97 acre. The total woodland conservation requirement is 1.75 acres based on the applicant's proposal to clear 1.67 acres of the overall 2.16 acres. The plan proposes to meet the woodland conservation requirement with 1.75 acres of off-site woodland conservation. The approved TCP1 proposed to clear the entire site; however, a total of 0.49 acre of woodland will be retained on-site, but not counted toward meeting the requirement. Therefore, no woodland conservation will be retained on-site.
- The Environmental Planning Section supports the applicant's proposal to meet the woodland conservation requirement off-site because the approved forest stand delineation report (NRI-027-11) indicates that the forest stand associated with the northernmost portion of the subject property is comprised of 80 percent invasive species, the majority of which are in the understory and herbaceous layers. Due to the high levels of invasive species within this forested area, staff will not recommend this area for preservation as credit.
- Other technical changes are also required to meet conformance with the WCO. Label the dimensions of the building restriction line along the portion of the subject property adjacent to Gethsemane Way. The hatching used to represent woodland preserved, not credited, obscures the subject property information. Relocate or revise the subject property information so it is not obscured by the hatching.
- Because the TCP2 is in general conformance with the approved TCP1, the Environmental Planning Section recommends approval of TCP2-039-13.

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

As a final point of discussion, the Environmental Planning Section noted that the approved Stormwater Management Concept Plan (32661-2009) for the site that expires on May 4, 2016 is confusing because the requirements state that water quality and quantity control in the form of a filtration structure and one year attenuation is required; however, the conditions of approval state that the proposed disturbance is less than 5,000 square feet and no stormwater management is required. Further, the Environmental Planning Section noted that the approved concept plan was not included in the submission and is needed to review for consistency between the DSP and TCP2.

A second environmentally-related proposed condition in the Recommendation section of this staff report would require that the letter be revised to make the requirements and conditions of approval consistent, and require that a copy of the approved concept plan be submitted so that the TCP2's conformance with it may be evaluated.

- i. **Prince George's County Fire/EMS Department**—In a memorandum dated January 8, 2014, the Fire/EMS Department offered information regarding needed accessibility, private road design and the location and performance of fire hydrants.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 17, 2014, DPIE stated that the subject property is located along Brooks Drive, a master-planned arterial roadway (A-34), on which frontage improvements in accordance with DPW&T's urban arterial roadway standards are required. They also noted that the site has frontage on Ridley Street as well, which they stated is contained within an existing 70-foot-wide ingress/egress easement. Further they stated that Ridley Street is currently maintained by the county and, since the applicant owns property on both sides of Ridley Street, at the time of final plat, will be required to dedicate 70-foot-wide right-of-way to public use as per the preliminary plan approval and upgrade Ridley Street to meet county commercial industrial roadway standards.

Regarding stormwater, the December 17, 2013 DPIE memorandum states that the subject site has an approved Stormwater Management Concept Plan (32661-2009) dated January 18, 2010, but that as the site plan was revised, a revised or new concept approval will be required prior to signature approval.

Comment: A proposed condition in the Recommendation section of this staff report would require that, prior to signature approval, the applicant shall provide documentation that the subject DSP conforms to the requirements of the approved stormwater management concept plan for the site, a revision to that plan, or another stormwater management concept plan approved by DPIE.

- k. **Prince George's County Police Department**—In a memorandum dated December 5, 2013, the Police Department stated that they had the following CPTED-related (crime prevention through environmental design) questions for the applicant. These included whether there are going to be any light fixtures at the entry or exit locations for the building, or along the walking path, and whether they would consider installing a six-foot-tall, wrought-iron-style, ornamental metal fence along the rear and sides of the property. The Police Department suggested that the applicant revise the plans to show the locations of the lights and fence and to include details of each.

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

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

- (1) The subject property is located in an area of the county considered a “food desert” by the U.S. Department of Agriculture (USDA), where affordable and healthy food is difficult to obtain. Further, they stated that their permit records indicated that there is one fast food and one carry-out restaurant within one-half mile of this location. They also stated that research has found that people living near an abundance of such establishments as compared to those living near grocery stores and fresh produce vendors, have a significantly higher incidence of health problems such as obesity and diabetes.
- (2) As there is an increasing body of scientific research suggesting that community gardens support the public health goals of improved nutrition and increased physical activity, the applicant should consider setting space aside in the development to accommodate a community garden.

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

- (3) During the construction phase of the project, precautions per the requirements of the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control should be taken to prevent dust from crossing the subject property's boundaries.
- (4) During the construction phase of the project, precautions per the requirements of Subtitle 19 of the Prince George's County Code should be taken to attempt to ensure that noise will not adversely impact activities on the adjacent properties.

Comment: Standard notes would, by a proposed condition below, be included on the plan regarding construction noise and dust standards.

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

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

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

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

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

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

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

- q. **City of District Heights**—In a voicemail received January 22, 2014, a representative of the City of District Heights indicated that they had no comment on the subject project.
 - r. **Town of Capitol Heights**—In an email dated December 30, 2013, a representative of the Town of Capitol Heights indicated that they had no comment on the subject project.
- 13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
 - 14. As there are no regulated environmental features on the site, the finding normally required by Section 27-285(b)(4) of the Zoning Ordinance, that regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Section 24-130(b)(5) of the Subdivision Regulations need not be made in this case.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-13012 and Type 2 Tree Conservation Plan TCP2-039-13, Conifer Village at Oakcrest, subject to the following conditions:

- 1. Prior to certificate approval of the plans, the following revisions shall be made to the plans or additional materials submitted:
 - a. The plans shall be revised to extend the six-foot-wide trail along the northern side of the Brooks Drive vehicular access to connect with the existing standard sidewalk along the project’s Brooks Drive frontage.
 - b. The community garden shall be labeled on the detailed site plan.

- c. Notes shall be added to the plan stating that, during the construction phase of the project, the applicant shall adhere to the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control to control off-site impacts from dust, and Subtitle 19 of the Prince George's County Code to minimize the off-site impacts of construction noise.
- d. The plans for the project shall be revised to include a general note stating that the project is located within the Joint Base Andrews Interim Land Use Control (ILUC) impact area, Imaginary Surface F, having a 500-foot above the runway surface height limitation; outside the 65 dBA Ldn noise contour, therefore not requiring noise attenuation; and outside the accident potential zone, so with no limitations on the type of use or degree of density of development as a result of its location in the ILUC.
- e. The applicant shall revise the detailed site plan (DSP) to label the recreational facilities to be included on the lawn court and to describe its dual function for bocce and badminton in a general note. Additionally, the fitness stations shall be provided at three different points along the trail, and the equipment to be provided at each station shall be labeled. Final approval of these revisions to the DSP shall be approved by the Planning Board or its designee.
- f. Revise the plans to indicate a bus shelter and pad at the existing bus stop along the subject site's Brooks Drive frontage. Details for the size and location of the pad and shelter shall be coordinated with the Department of Public Works and Transportation (DPW&T), Office of Transit, and shall be consistent with DPW&T specifications and standards or as modified by DPW&T, and shall be provided on the plan set to scale.
- g. The applicant shall remove the label "Existing Forest to Remain" on any forest that in fact might be cleared and label it as it is labeled on the Type 2 tree conservation plan for the project.
- h. The applicant shall revise the plans for the project to substitute recreational facilities for the patio and guest suite that are equivalent in dollar value. Such substitution shall be approved by the Planning Board or its designee.
- i. The Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - (1) Add the standard TCP2 notes to the TCP2 pertaining to Virginia pine management on-site.
 - (2) Label the building restriction line along the right-of-way of Gethsemane Way.
 - (3) Relocate the subject property information to be legible outside of the "Woodland Preserved Not Credited" hatching.
 - (4) Have the property owner's awareness certificate signed and dated by the owners or owners' representative.
 - (5) Have a qualified professional sign and date the plans.
- j. The applicant shall submit a revised or new stormwater concept approval letter and associated concept plan, and such plan shall be correctly reflected on the Type 2 tree conservation plan and throughout the plan set together with documentation that the

subject detailed site plan conforms to the requirements of the approved stormwater concept plan for the site.

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

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

- 1. The plans for the project shall be revised to indicate the right-of-way to be dedicated for Ridley Street as reflected on approved Preliminary Plan of Subdivision 4-11007.
- 2. Prior to issuance of the first building permit for the project, the applicant shall provide documentation from the Department of Permitting, Inspections and Enforcement (DPIE) that they approve of the design for the median break at the Brooks Drive vehicular access to the site.
- 3. In the event that the community garden is underutilized by the residents and/or the residents' association determines in accordance with its bylaws that they would like to put the space to another use, the area on the detailed site plan currently designated as a community garden may be repurposed as an area of enhanced landscaping and/or an alternative recreational facility for use by the residents.