



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

Preliminary Plan 4-06037

Application	General Data
Project Name: BRINKLEY ROAD APARTMENTS Location: Along north side of Brinkley Road, just southeast of the I-495/95 and Saint Barnabas Road intersection. Applicant/Address: Ben Shaool The Reserve at Rose Croft, LLC. 1201 Dual Highway P.O. Box 203 Hagerstown, Maryland 21740	Date Accepted: 06/15/06
	Planning Board Action Limit: 12/03/06
	Plan Acreage: 5.18
	Zone: R-10 & R-30C
	Units: 90
	Parcel: 1
	Planning Area: 76B
	Tier: Developed
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 208SE02

Purpose of Application	Notice Dates								
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 03/16/06 (CB-58-2003)								
	Sign(s) Posted on Site and Notice of Hearing Mailed: 10/17/06								
Staff Recommendation	Staff Reviewer: John Ferrante								
<table border="1" style="width:100%; text-align:center;"> <tr> <td>APPROVAL</td> <td>APPROVAL WITH CONDITIONS</td> <td>DISAPPROVAL</td> <td>DISCUSSION</td> </tr> <tr> <td></td> <td>X</td> <td></td> <td></td> </tr> </table>	APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION		X			
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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-06037
Brinkley Road Apartments, Parcel A

OVERVIEW

The subject property is located on Tax Map 96, Grid E-3, and is known as Parcels 170 and 303. The property is within the R-10 and R-30C Zones, and consists of approximately 5.18 acres of land. Neither of the two existing parcels have been the subject of a prior preliminary plan of subdivision application. The applicant is proposing to combine the two parcels into one overall parcel for the development of a five-story, building that will consist of 90 dwelling-units and an underground parking garage. The minimum net lot area required for dwellings within the R-10 Zone is 20,000 square feet. The minimum net lot area required for dwellings in the R-30C Zone is 14,000 square feet. Although the net tract area of the property is approximately 5.10 acres, approximately 4.82 acres, (209,959.20 square feet), of the property is within the R-10 Zone, and 0.36 acres, (15,681.60 square feet), is within the R-30C Zone. Therefore, the square footage within each individual zoning category that is present on the property does meet or exceed the minimum net lot area required for dwellings within the R-10 and R-30C Zones respectively.

A majority of the subject property, (Parcel 170, 4.82 acres), was the subject of a Zoning Map Amendment application (ZMA). On July 24, 1984, the Subregion VII Sectional Map Amendment (SMA) was adopted that placed a portion of the subject property within the R-H and R-30C Zones. On October 6, 1986, the property owner filed for Zoning Map Amendment No. A-9624, on the basis that the District Council made a mistake when they placed the property within the R-H and R-30C Zones. The applicant for the Zoning Map Amendment was of the opinion that the District Council mistakenly rezoned a portion of the subject property to the R-H Zone, when in fact, they only intended to rezone the adjacent property to the east to the R-H Zone, and that approximately one acre of the subject property was placed in the R-H Zone because there was a mistake on a previous plat of survey. The mistake in the R-H Zone was the result of an error on the plat of survey provided for Zoning Map Amendment (A-5180), which was a request for high-rise zoning on the adjacent property to the east, which was approved by the Council via SMA Amendment 27 within Council Resolution CR-100-1984. The District Council was unaware that a plat error had been previously made, and upon the Council's adoption of the Sectional Map Amendment, the error was carried forward.

As part of the Zoning Map Amendment, the applicant had requested that the property be rezoned from the R-30C and R-H Zones to the R-10 Zone. Staff had recommended denial of the rezoning request, and further recommended that the one-acre portion of R-H Zoned land be changed to the R-30C Zone. The Planning Board agreed with staff's recommendation, and on February 12, 1987, denied Zoning Map Amendment A-9624 for the R-10 Zone (PGCPB No. 87-56), and further recommended that the one acre portion of R-H zoned land, be rezoned to the R-30C Zone. Although the Zoning Hearing Examiner concurred with both the staff's recommendation, as well as the Planning Board's decision, The District Council on July 20, 1987, determined that the subject property should be rezoned to the R-10 Zone, and therefore, approved Zoning Map Amendment A-9624 for 4.82 acres of the subject property from the R-H and R-30C Zones to the R-10 Zone.

As previously stated this preliminary plan application proposes a building with a total of 90 dwelling units. A majority of the subject property (4.82 acres) is within the R-10 Zone. The permitted density within the R-10 Zone for dwellings is 48 dwelling units per net acre in accordance with Section 27-442 (h) of the Zoning Ordinance, and therefore 231 dwelling units would be the maximum density permitted within the portion of the subject property zoned R-10.

Although, no portion of the proposed building will be located on the .36 acres of the property that is within the R-30C Zone, the permitted density in the R-30C Zone for a building is 12 dwelling units per net acre. The portion of the subject property that is within the R-30C Zone is proposed to contain the driveway entrance and a small portion of the parking compound. A multifamily dwelling is only permitted in the R-30C Zone provided a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit. The subject property does not conform to the R-30C Zone requirements for multifamily dwellings. However, a parking lot, garage, or loading area for a permitted use, and used in accordance with Part 11 of the Zoning Ordinance may be permitted within the R-30C Zone.

This preliminary plan application was reviewed only for the purposes of determining adequacy for all public facilities and density requirements for a 90-unit multifamily dwelling. Preliminary plan review also included the determination of the property’s sensitive environmental features, and the areas of the property suitable for development. Preliminary plan review did not include determining compliance with parking and loading requirements, building setbacks, landscaping, lighting, recreational facilities, bedroom percentages, building architecture or the determination of permitted zoning uses. Approval of a detailed site plan is required for all multifamily dwellings that are under 110-feet in height in accordance with Section 27-439(f)(1) of the Zoning Ordinance. Detailed Site Plan application DSP-05012 is currently pending for this property, and compliance with the above requirements will be determined by the Urban Design Section at the time of detailed site plan review.

SETTING

This property is located along the north side of Brinkley Road, just southeast of the I-495/95 and Saint Barnabas Road intersection. To the east are detached single-family dwellings within the R-30C Zone. To the west is the St. Ignatius Subdivision (BB 15 @ 47), which currently consists of two detached single-family dwellings fronting Brinkley Road and within the R-30C Zone, and the Brinkley Overlook Condominiums (VJ 168 @ 78) within the R-H Zone. To the north is a portion of a large acreage parcel within the R-30C Zone that is undeveloped within this area, and primarily wooded. To the south, and across Brinkley Road is the Saint Ignatius Catholic Church and Elementary School within the R-R Zone, and Rosecroft Drive, which is the primary corridor to Rosecroft Raceway.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-10/R-30C (4.82/0.36 acres)	R-10/R-30C (4.82/0.36 acres)
Use(s)	1-Single-Family Dwelling	Multifamily Apartments with 90-Units
Acreage	5.10	5.10
Lots	0	0

Parcels	2	1
Dwelling Units:		
Detached	1 (to be razed)	0
Multifamily	0	90
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Brinkley Road Apartments, 4-06037, and the revised Type I Tree Conservation Plan, TCPI/31/06, stamped as received by the Environmental Planning Section on August 25, 2006. The Environmental Planning Section supports the variation request for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of Preliminary Plan 4-06056 and TCPI/31/06 subject to the conditions

BACKGROUND

The Environmental Planning Section previously reviewed a Detailed Site Plan, DSP-05012, and associated Type II Tree Conservation Plan, TCPII/104/05, for the subject property. Those applications are pending the approval of this preliminary plan of subdivision.

SITE DESCRIPTION

The site is mostly wooded. There is a stream, but no wetlands or 100-year floodplain on the property. The site eventually drains into Henson Creek in the Potomac River watershed. According to the “Prince George’s County Soil Survey,” the principal soils on the site are in the Beltsville, Chillum and Sassafras series. Marlboro clay is not found to occur in the vicinity of 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 nearest sources of traffic-generated noise are I-95 and Brinkley Road. The proposed use is not expected to be a noise generator. There are no designated scenic or historic roads affected by this proposed development. No portion of this property contains regulated areas or evaluation areas as designated by the Countywide Green Infrastructure Plan. This property is located in the Developing Tier as reflected in the approved General Plan.

ENVIRONMENTAL REVIEW

A signed natural resources inventory (NRI), NRI/063/06, was submitted with the application. There is a stream, but no wetlands or 100-year floodplain, on the property. The forest stand delineation indicates one forest stand totaling 4.78 acres and notes seven specimen trees. The highest quality woodlands are associated with the northern portion of the property.

The stream buffers are correctly delineated on the NRI; however, they are not correctly shown on the Preliminary Plan or the Type I Tree Conservation Plan. Specifically, the minimum 50-foot buffer is not shown along the western side of the stream.

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams or their associated buffers unless essential for the development as a whole. A minimum 50-foot-wide buffer, measured from each bank of a stream, is required per Section 24-130 of the Subdivision Regulations. The buffers are correctly shown on the NRI, but not on the TCPI or Preliminary Plan. The plan proposes impacts to the expanded stream buffer for the installation of a storm

drain outfall, a sanitary sewer connection, a portion of the proposed multifamily structure, and a portion of the associated parking compound. Impacts to an expanded stream buffer are prohibited per Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. A variation request, dated August 4, 2006, has been submitted.

The specific location of the stream creates problems for the development of the site. The permitted use of a structure, the associated required parking, the required stormwater management outfall, and the sanitary sewer connection all require minimal areas for installation. During the review of the detailed site plan application changes were made to the layout to reduce the overall impacts. The impacts shown on the TCPI are consistent with the impacts shown on the final version of the DSP. The variation request demonstrates that avoidance is not possible and further minimization would be a hardship to the property owner.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

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

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

The installation of the stormwater management outfall is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. The installation of a sanitary sewer system is required for the development of the property. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. The impacts associated with the building location and its required parking compound have been minimized. These regulations require that the designs are not injurious to other property.

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

The specific location of the stream creates problems for the development of the site. The permitted use of a multifamily structure, the associated required parking and the required stormwater management all require minimal areas for installation. The sanitary sewer system on the subject property is currently existing within the limits of the expanded stream buffer, and therefore, any connection to this sewer system would require an impact that would not be avoidable for the development of the site.

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

Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The specific location of the stream, as well as the large portion of land encumbered by the stream and its associated buffers, create problems for the development of the site. Without the impacts proposed, the property could not be properly developed in accordance with county, state, and federal regulations and could not comply with the master plan recommended land use and density of 48 dwelling units per acre resulting in a hardship to the applicant.

The Environmental Planning Section supports the variation requests for the reasons stated above.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

A Type I Tree Conservation Plan, TCPII/31/06, has been reviewed and was found to require revisions. The plan proposes clearing 2.92 of the existing 4.78 acres of woodland. The woodland conservation threshold for the project is 1.04 acres. Based upon the proposed clearing, the woodland conservation requirement is 1.77 acres. The plan proposed preserving 1.63 acres on-site and payment of a fee-in-lieu for 0.14 acres.

The proposed woodland conservation area is contiguous woodland that serves to protect the sensitive environmental features on-site. The design meets the goals of the Woodland Conservation Ordinance and supports the Countywide Green Infrastructure Plan.

A copy of the Stormwater Management Concept Plan, 11259-2004-00, was submitted with the review package. This approval requires underground storage for runoff from a 1-year storm. The revised location for the underground storage and placement of the outfall are shown on the preliminary plan. No further action regarding stormwater managements is required for the review of this preliminary plan.

The nearest sources of traffic-generated noise are I-95 and Brinkley Road. Both distance and an intervening knoll shield the property from traffic-generated noise from I-95. Brinkley Road is currently designated as an arterial; however, the Henson Creek master plan downgrades this segment to a collector. Traffic-generated noise is only significant with roads of arterial classification or higher. Therefore, there is no significant impact on the proposed development from traffic-generated noise.

The Environmental Planning Section supports the variation request for impacts to sensitive environmental features for the previous reasons stated, and further recommends approval of Preliminary Plan 4-06037 and TCPI/31/06 subject conditions.

Water and Sewer Categories

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

3. **Community Planning**—The property is located in Planning Area 76B within the Oxon Hill Community. The property is within the limits of the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. The master plan recommends a residential high-density land use at a density up to 48 dwelling units per acre. This application conforms to the residential, high-density land use recommendation within the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.

The 2002 General Plan locates the subject property in 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 application conforms to the 2002 General Plan Development Pattern policies for the Developed Tier.

The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* retained .36 acres of the subject property within the R-30C Zone and the remaining 4.82 acres within the R-10 Zone.

4. **Parks and Recreation**—In accordance with Section 24-135(b) of the Subdivision Regulations, the Park Planning and Development Division of the Department of Parks and Recreation recommended to the Planning Board that approval of the above-referenced plan be subject to the following conditions:

The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

The applicant shall allocate appropriate and developable areas for the private recreational facilities on open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the preliminary plan by the Planning Board.

Submission of three original, executed Recreational Facilities Agreements (RFA) to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

Submission to the DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.

The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

5. **Trails**—The Adopted and Approved Henson Creek-South Potomac Master Plan designates Brinkley Road as a master plan trail/bicycle corridor. This has been implemented along some

portions of the roadway as an eight-foot-wide sidewalk parallel to the road but separated from it by a curb and grass strip. The planning charrette for the Henson Creek/South Potomac Planning Areas recognized that Brinkley Road is a major corridor for both pedestrians and cyclists. Policy 1 under the Bicycle, Pedestrian, and Trails Element (page 71 of the adopted and approved master plan) includes a strategy recommending sidewalks and designated bike lanes along Brinkley Road, with wide sidewalks being appropriate in areas of high pedestrian activity. Striping of the designated bike lanes should be considered by DPW&T at the time of road resurfacing or improvement.

SIDEWALK CONNECTIVITY:

Sidewalks are fragmented along Brinkley Road in the vicinity of the subject property. Properties immediately to the east and west of the subject site do not include a sidewalk along Brinkley Road. However, the nearby townhouse development along Glen Rock Avenue includes a wide sidewalk along its frontage of Brinkley Road. Due to the location of nearby shopping centers and churches, as well as the relatively dense residential development being proposed, the Transportation Planning Section recommends the provision of an eight-foot-wide sidewalk along the property's entire street frontage of Brinkley Road. This wide sidewalk will support pedestrians walking along Brinkley Road to and from the proposed apartments, as well as the apartments and townhouses within the vicinity of the site. The Transportation Planning Section also recommends a standard sidewalk along one side of the entrance road. This sidewalk will accommodate pedestrians walking onto the property from Brinkley Road without forcing them to walk within the entrance road or on the grass.

6. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan application for the Brinkley Road Apartments. The application proposes a residential subdivision consisting of a 90-unit apartment building.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated September 2006. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Growth Policy—Service Level Standards

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

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better is required in the Developing Tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersection of MD 414 and the I-95 southbound ramps was determined to be the sole critical intersection for this site. The counts in the traffic study indicate that the critical intersection operates as follows:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
I-95 southbound ramps and MD 414	1,138	1,669	B F

There are no funded capital projects at these intersections in either the County Capital Improvement Program or the State Consolidated Transportation Program that would affect the traffic operations. No approved but unconstructed developments were identified within the traffic study; nonetheless, the Transportation Planning Section notes that the Brinkley Road Property, 4-05077, for 76 townhouses, was likely approved after consultation with the traffic consultant. A second development, Trinity Terrace, 4-01061, for 78 senior housing apartments, was overlooked by the Transportation Planning Section. Growth of two percent per year in through traffic was assumed. Under the background scenario with the two developments added, the critical intersection would operate as follows:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
I-95 southbound ramps and MD 414	1,164	1,709	C F

With the development of 90 multifamily residences, the site would generate 47 AM (9 in and 38 out) and 54 PM (35 in and 19 out) peak-hour vehicle trips. Given this trip generation, distribution, and assignment shown in the traffic study, the critical intersection would operate as follows:

TOTAL TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
I-95 southbound ramps and MD 414	1,169	1,728	C F

Given these analyses, the development of the subject property would raise issues at the critical intersection. In response, the applicant proposes the following:

I-95 Southbound Ramps at MD 414

The applicant proposes that the I-95 off-ramp be widened to provide one left-turn lane, two through lanes, and one free-flow right-turn lane. The applicant also proposes that on the westbound approach of MD 414 that the existing left-turn lane be widened to provide double left-turn lanes. With these changes in place, it is estimated that the intersection would operate at LOS B in the AM peak hour with a CLV of 1,051; in the PM peak hour, it would operate at LOS E with a CLV of 1,460.

The county Department of Public Works and Transportation (DPW&T) verbally offered no comments on the traffic study. The Maryland State Highway Administration (SHA) reviewed the traffic study in greater detail, however. SHA stated within their referral letter that the agency concurs with the findings in the traffic study. However, SHA also noted that the modifications to the interstate highway ramp would require coordination with the Federal Highway Administration for Interstate Access Point Approval, and that the process would require a minimum of four months and could require up to one year to complete.

The Henson Creek-South Potomac Master Plan shows Brinkley Road as a master plan major collector facility. The dedication of 60 feet from centerline shown on the plan is adequate, but may be reduced to 50 feet from centerline if desired.

It should be noted that this adequacy finding is based upon a development consisting of 90 multifamily residences. Given that a variety of uses or even greater density could be accommodated within the zone, the recommendation should include a trip cap condition as a means of limiting the traffic impact of this site to that which has been analyzed.

Transportation Staff Conclusions

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

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	90 sfd	90 sfd	90 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	21.6	5.40	10.80
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	35,729.60	11,535.90	17,045.80
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	110.52%	116.23%	130.87%

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

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

County Council bill CB-31-2003, establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003, allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- 8. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Oxon Hill, Company 21, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

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

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

- 9. **Police Facilities**—The subject property is located in Police District IV. The response standard for emergency calls is 10 minutes 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 Planning Department on June 15, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	05/05/05-05/05/06	10.00	23.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 05, 2006.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

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

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Brinkley Road Apartments and has the following comments to offer:

The abandoned shallow well adjacent to the existing house must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location of the shallow well should be located on the preliminary plan.

Any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of the existing/abandoned house on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in the house on-site must be removed and properly stored or discarded prior to the structure being razed. A note needs to be affixed to the preliminary plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 11259-2004-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

12. **Historic**—A Phase I archeological survey is not recommended by the Planning Department for the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites within a one-mile radius of the property, and no known historic structures within the vicinity of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:

- a. Delineate the limits of any septic system that serves the existing dwelling on Parcel 303.
 - b. Correct the spelling errors within general note 18.
 - c. Provide the existing uses for all adjacent properties.
 - d. Provide a general note that states that there are no rare, threatened, or endangered species found to occur within the vicinity of the subject property.
 - e. Provide the signature and seal of the qualified professional who prepared the plan.
 - f. Label the existing dwelling on Parcel 303 as “To be removed”.
2. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 11259-2004-00 and any subsequent revisions.
 4. Prior to signature approval of the preliminary plan of subdivision, the Preliminary Plan and Type I Tree Conservation Plan shall be revised to correctly delineate the limits of the stream buffers as shown on NRI/063/06, signed June 4, 2006, and within the legend. The revised plan shall be signed and dated by the qualified professional who prepared the plan.
 5. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. 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.”
 6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant, his heirs, successors, and or assignees shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
 7. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/31/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
 8. The applicant, his heirs, successors and or assignees shall provide an eight-foot-wide sidewalk along the property’s entire street frontage of Brinkley Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

9. I-95 Southbound Ramps and MD 414

Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. The widening of the I-95 off-ramp to provide one left-turn lane, two through lanes, and one free-flow right-turn lane. The permitting of this improvement shall include needed coordination with the Maryland State Highway Administration in order to obtain the necessary federal Interstate Access Point Approval.
 - b. The widening of the westbound MD 414 approach to convert the existing left-turn lane to provide double left-turn lanes.
10. Total development within the subject property shall be limited to 90 multifamily residences, or other uses which generate no more than 47 AM and 54 PM peak hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
11. Prior to the issuance of grading permits the applicant, his heirs, successors and/or assignees shall demonstrate that any abandoned well and/or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
12. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
13. A detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall include, but not be limited to:
- a. Compliance with all applicable *Landscape Manual* Sections and requirements including landscaping, buffering, and screening the adjacent noncompatible, detached single-family dwellings fronting Brinkley Road to the east and to the west of the subject property in accordance with Section 4.7 of the *Landscape Manual*.
 - b. Review of the on-site private recreational facility in accordance with Parks and Recreation Facilities Guidelines.
 - c. Parking and Loading requirements in accordance with Part 11 of the Zoning Ordinance.
 - d. Compliance with bedroom percentages in accordance with Section 27-419 of the Zoning Ordinance.
 - e. Building architecture, lighting, signage, and compliance with zoning uses.
 - f. Provision of a standard sidewalk along the east side of the proposed internal entrance road that will provide a pedestrian connection from the eight-foot-wide sidewalk along

Brinkley Road, to the planned internal sidewalks fronting the proposed building, and within the planting strip of the parking compound.

14. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of the recreational facilities on private land. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.
15. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of the on-site private recreational facilities.
16. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate right-of-way along Brinkley Road 50 feet from centerline, as shown on the submitted plan.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/31/06