



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

## Preliminary Plan 4-11007

Application	General Data	
<b>Project Name:</b> Lustine Parcel 3  <b>Location:</b> Approximately 800 feet north of the intersection of Brooks Drive and Pennsylvania Avenue (MD 4).  <b>Applicant/Address:</b> NIA The Michael Companies, INC 10100 Business Parkway Lanham, MD 20706  <b>Property Owner:</b> Oakcrest West LLC 300 N. Lee Street Alexandria, VA 22314	Planning Board Hearing Date:	01/12/12
	Staff Report Date:	01/05/12
	Date Accepted:	07/15/11
	Planning Board Action Limit:	01/24/12
	Mandatory Action Timeframe:	140-Day
	Plan Acreage:	15.00
	Zone:	R-10
	Gross Floor Area:	N/A
	Lots:	0
	Parcels:	2
	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District:	06
Municipality:	N/A	
200-Scale Base Map:	203SE05	

Purpose of Application	Notice Dates	
To subdivide Parcel 3 into two parcels for the development of multifamily residential.  <b>Variance to Sections 27-442(c), 27-442(e), and 27-442(h)</b>	Informational Mailing	04/26/11
	Acceptance Mailing:	05/09/11
	Sign Posting Deadline:	12/13/11

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

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-11007  
Lustine Parcel 3  
Parcels A and B

OVERVIEW

The subject site is located on Tax Map 80 in Grid F-1 and is known as Parcel 3. The property consists of 15 acres and was recorded in Plat Book PB 76@58 on April 28, 1971. The record plat shows a 70-foot-wide easement (Ridley Street) for public ingress/egress extending west into the property from Brooks Drive. The site is within the Multifamily High Density Residential (R-10) Zone and is currently developed with two multifamily buildings (420 dwelling units) located to the south of the access easement. The property has never been the subject of a preliminary plan of subdivision or a detailed site plan.

The applicant is proposing to subdivide Parcel 3 into two parcels and dedicate the 70-foot-wide access easement to public use. Proposed Parcel B will contain the existing multifamily buildings, which are to remain and are known as the Oakcrest Towers Apartments. Proposed Parcel A is for the development of 120 new multifamily dwellings, which the applicant has indicated may be developed with senior or market rate housing. Since the new multifamily development being proposed will be separate from the existing Oakcrest Towers, the two proposed parcels will be evaluated separately and therefore, each parcel will need to meet all applicable regulations individually.

The site is within the limits of the 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment* and the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment*, which both retained the site in the R-10 Zone. Pursuant to Section 27-439 of the Zoning Ordinance, in the R-10 Zone, a detailed site plan (DSP) is required for multifamily dwellings that are 110 feet high or under and a special exception (SE) and a DSP is required for multifamily dwellings higher than 110 feet. For Parcel A, depending on the height of the proposed multifamily development, a DSP or a SE with a DSP will be required. Approval of a DSP or SE with a DSP for Parcel A should be obtained prior to approval of the final plat. For Parcel B, the existing multifamily development is to remain and no new development is being proposed with this application; therefore, the final plat for Parcel B can be filed once approval of the preliminary plan has been obtained.

The property has frontage on and one existing vehicular access onto Brooks Drive. The site is currently a single parcel and contains a 70-foot-wide easement for public ingress/egress, Ridley Street, which runs east to west across the entire site. The easement currently provides the primary vehicular access to the existing multifamily buildings. The easement also provides the neighboring Hutchinson Commons Community, to the west of the site, its sole access to Brooks Drive to the east, a public right-of-way.

At the request of the Department of Public Works and Transportation (DPW&T), the applicant proposes to dedicate the 70-foot-wide access easement (1.046 acres) to public use, which will result in two parcels. Parcel A (4.34 acres), to the north of Ridley Street, is proposed to be developed with 120 multifamily dwelling units and Parcel B (9.61 acres), to the south of Ridley Street, will retain the existing two multifamily buildings (420 dwelling units) with associate parking. Dedication of the 70-foot- wide easement at its current alignment will result in the existing multifamily buildings on Parcel B not being in conformance with the lot coverage and green area (Section 27-442(c)), setbacks (Section 27-442(e)), and density (Section 27-422(h)) requirements of the Zoning Ordinance. Therefore, the applicant has submitted variances for Parcel B. Staff evaluated the variances and recommends approval as discussed in the Variance section of this report.

This site contains regulated environmental features that are required to be protected pursuant to Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include a stream valley with its associated 60-foot-wide stream buffer and 100-year floodplain. Section 24-130(b)(5) requires that the primary management area (PMA) be preserved in a natural state, to the fullest extent possible. A letter of justification was received and is supported as discussed further in the Environmental section of this report.

## SETTING

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

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-10	R-10
Use(s)	Residential—Multifamily	Residential—Multifamily
Acreage	15	15
Lots	0	0
Outlots	0	0
Parcels	1	2
Dwelling Units	420 (to remain)	540 (120 new)
Public Safety Mitigation Fee	No	No
Variance	No	Yes, Sections 27-442(c), 27-442(e), and 27-442(h)
Variation	No	No

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

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

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

This application proposes to develop 120 multifamily housing units on proposed Parcel A, directly to the north and across Ridley Street from the existing multi-story apartment complex on proposed Parcel B. The applicant proposes to develop three multifamily buildings with 34 units in each building on Parcel A. The buildings are designed to be located in the interior of the site with parking around the perimeter. The 2009 Approved Marlboro Pike Sector Plan developed design standards that seek to visually tie the corridor together. These standards provide recommendations for each land use entity, including activity nodes, transition areas, and neighborhood areas. The sector plan locates this property in an activity node known as Priority Area 3, which emphasizes pedestrian accessibility and comfort with good connectivity and human-scale features. New construction is recommended to be oriented toward the sidewalk to encourage pedestrian activity and interaction, which also promotes safety and security. The master plan also recommends preserving and expanding the green infrastructure network and promotes community connectivity with the environment. The applicant will be required to address the Marlboro Pike design standards upon submission of the detailed site plan for Parcel A, which is required for multifamily dwelling units in the R-10 Zone (Section 27-439 of the Zoning Ordinance).

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

#### **Conformance with the requirements of the Zoning Ordinance**

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

Section 27-442 of the Zoning Ordinance sets forth various bulk regulations for the site and development that will be judged for the proposed multifamily buildings on Parcel A at the time of DSP or SE review. However, by the layout provided on the Type 1 tree conservation plan, Parcel A does not meet the requirement which calls for a minimum of 50 percent of the net lot area to be preserved as green area and a maximum of 50 percent lot coverage. The conformance of Parcel A with other zoning regulations will be reviewed at the time of DSP or SE.

In addition, Parcel B is being created by this preliminary plan of subdivision for the existing multifamily development that must also conform to the applicable zoning regulations. The existing development on proposed Parcel B was never previously the subject of a DSP or SE. This application is proposing no new improvement for the existing development on Parcel B. In the future, per Section 27-419.01 of the Zoning Ordinance, they are allowed to do certain site improvements without a DSP or SE and regardless of whether or not the existing development conforms with the current requirements of the Zoning Ordinance. The Zoning Ordinance may require a DSP or SE be approved for other site improvements or a change of use of the existing development on Parcel B in the future dependent on what is proposed at that time.

**Conformance with the 2010 Prince George’s County Landscape Manual**

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

**Other Urban Design Issues**

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

- a. Appropriate on-site usable green space and recreational facilities should be provided.
- b. Tall retaining walls, if necessary, should be located towards the rear and sides of the site, away from street frontages. Any structure that is higher than six feet should meet the setback requirements for main buildings.
- c. Multiple driveway entrances should be provided for safety and circulation purposes.
- d. Efforts should be made to place the proposed buildings close to the street frontage to the south and to avoid large expanses of parking between the buildings and the street.
- e. Given the setback and height regulations, consideration should be given to locating all of the proposed multifamily units within one building.
- f. Pedestrian improvements, such as, but not limited to, sidewalk connections, bus shelters, benches, trash receptacles, bike racks, and pedestrian-scale lighting fixtures, should be incorporated into the site design and will be reviewed at the time of DSP.
- g. Footnote 6 in the regulations table for the R-10 Zone requires that at least 80 percent of the total number of dwelling units of the multifamily project shall be within buildings having a minimum height of 52 feet. Not more than 20 percent of the total number of dwelling units of the multifamily project may be in buildings of a lesser height. Conformance with these requirements will be judged at the time of DSP or SE review for Parcel A.

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

4. **Parcel B Variance to Sections 27-442(c), 27-442(e), and 27-442(h) of the Zoning Ordinance**—This preliminary plan proposes to subdivide the site into two parcels and dedication of a public right-of-way; Parcel A is currently undeveloped and Parcel B will retain the two existing multifamily buildings. The Department of Public Works and Transportation (DPW&T) has requested the dedication of the 70-foot-wide access easement, Ridley Street, in its current alignment as a public right-of-way. Dedication of the easement changes its status relating to zoning standards for abutting properties. As a result, the public right-of-way is nine feet from the existing westernmost multifamily building and three feet from the existing easternmost multifamily building on Parcel B. The dedication would also reduce the net tract area of Parcel B, which will change the lot coverage and available density.

**Section 27-442(c), Table IV of the Zoning Ordinance** establishes the minimum lot coverage and green area requirement. Specifically for the R-10 Zone, the maximum allowable lot coverage and the minimum required green area on the property are both 50 percent. Parcel B has two existing multifamily buildings and associate parking. The dedication of Ridley Street would result in the reduction of the net tract area and subsequently increase the lot coverage on Parcel B. Therefore, a variance from Section 27-442(c) must be requested. The applicant has submitted a variance to request an increase in the allowable lot coverage from 50 percent to 62 percent and to decrease the green area to 38 percent from the required 50 percent.

**Section 27-442(e), Table IV of the Zoning Ordinance** establishes building setbacks. Specifically for the R-10 Zone, the minimum side yard depth along a street for a corner lot is 30 feet plus an additional foot for every two feet the building exceeds 36 feet in height. For this site, the existing multifamily building is approximately 108 feet and is a corner lot. Therefore, the side building setback requirement is 66 feet. Since the existing buildings on Parcel B will have a side building setback less than 66 feet once the 70-foot-wide easement is dedicated as a public right-of-way, a variance from Section 27-442(e) must be requested. The applicant has submitted a variance to request a reduction of the side building setback from 66 feet to 9 feet (a 57 foot decrease) for the western building and to three feet (a 63 foot decrease) for the eastern building on Parcel B.

**Section 27-442(h), Table IV of the Zoning Ordinance** establishes maximum allowable density. Specifically for the R-10 Zone, the maximum allowable density is 48 dwellings per acre. Parcel B has two existing multifamily buildings with a total of 420 dwellings. Dedication of the easement would result in the proposed net lot area of 8.4 acres for Parcel B. In this case with the existing 420 dwellings on Parcel B, the density would be 50 units per acre, a variance from Section 27-442(h) must be requested. The applicant has submitted a variance to request to increase the density from 48 dwellings per acre (maximum of 404 dwellings) to 50 dwellings per acre (maximum of 420 dwellings, which currently exist) for Parcel B.

Staff would note that approval of these variances will only allow the existing site improvements to remain without demolition.

Variances may be granted provided the application meets the following criteria contained within Section 27-230(a) of the Zoning Ordinance. The above variances are area variances, and for the purposes of this application have been evaluated together. The findings below are applicable for all three variances, which have been evaluated together:

**(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The 70-foot-wide easement for public ingress/egress (Ridley Street), which runs east to west across the entire site, creates an extraordinary condition for this site. Ridley Street has served the tenants of Oakcrest Towers and Hutchinson Commons well in its current state as an easement since its original construction. The current alignment of Ridley Street, in the middle of the property, has already physically divided the property into north and south portions. The proposed subdivision of the property into two parcels is a reflection of the physical division of the property by Ridley Street and is merely a re-designation from a private easement to a public street at the request of a governmental agency (DPW&T).

The applicant originally proposed Ridley Street to remain as an easement and a part of proposed Parcel B, which would have resulted in Parcel B and the existing multifamily development remaining in conformance with the Zoning Ordinance for lot coverage, green area, density, and setbacks. During the review process of this preliminary plan, DPW&T requested that Ridley Street be dedicated as a public right-of-way. The dedication of Ridley Street as a public right-of-way would not change the alignment of the road, nor the orientation or proximity of the existing buildings to this right-of-way, merely its status as a “public right-of-way.” However, the change in the status of Ridley Street from an easement to a public street results in a change of the lot size of proposed Parcel B and therefore, the existing multifamily development would not conform with Sections 27-442(c), 27-442(e), and 27-442(h) of the Zoning Ordinance as discussed herein. When the existing multifamily development was constructed on the existing site in the 1970’s, it met all applicable regulations and it is only with the dedication of the existing private street at this time, as requested by the DPW&T, that these variances are necessary without the demolition of part of the occupied improvements. Were it not for the required dedication of the existing road at its current alignment in the middle of the site, by the public agency, this extraordinary situation of nonconformance to the Zoning Ordinance would not occur.

**(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Strict application of the density, setbacks, lot coverage, and green area requirement for Parcel B will result in practical difficulty for the existing owner and will greatly restrict the development potential of the entire site. Denial of the variances for Parcel B will result in the existing multifamily development not conforming to the regulations of the Zoning Ordinance and therefore, subdivision of the site at the proposed configuration, with the dedication of Ridley Street for public use, could not occur.

In order for Parcel B to strictly comply with the regulations, the existing multifamily buildings will have to move 66 feet back from Ridley Street to meet the setback requirement, some part of the buildings and parking will need to be demolished to meet the lot coverage requirement, and 16 dwelling units would need to be razed to meet the density requirement. This will result clearly in a peculiar and unusual practice difficulty for the owner.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Approval of these variances does not impair the existing neighborhood and provides development consistent with surrounding multifamily developments. Therefore, the variances will not significantly impair the intent, purpose, or integrity of the approved 2002 General Plan or the 2010 Subregion 4 Master Plan and Sectional Map Amendment. Approval will further those intents and purposes and enhance the integrity of those plans by retaining the existing developed site. Approval of these variances will allow the property to continue to act as a multifamily residential use, thus contributing to the General Plan's goal of providing increased opportunities for higher density multifamily dwellings in the Pennsylvania Avenue corridor. Additionally, it will meet the master plan's Comprehensive Plan goal of the entirety of Parcel 3 to serve as multifamily residential use. The variances and existing development will be consistent with the 2002 General Plan and 2010 Subregion 4 Master Plan and Sectional Map Amendment.

Staff recommends approval of variances to Section 27-442(c), Green Area and Lot Coverage; Section 27-442(e), Setbacks; and Section 27-442(h), Density, for Parcel B based on the findings above.

5. **Environmental**—A Type 1 Tree Conservation Plan, TCP1-008-11, and a signed Natural Resources Inventory, NRI-027-11, are required and have been reviewed.

A review of the available information and the approved NRI indicates that the site contains a stream, wetland, 100-year floodplain, and steep slopes. The site has frontage along Brooks Drive, a master-planned collector roadway that is not regulated for noise.

According to available information, Marlboro clay does not occur on this property. The soils found to occur on this site, according to the *Prince George's County Soil Survey*, are in the Beltsville, Croom, Potomac, and Udorthent series. These soil types generally exhibit slight to moderate limitations for development due to steep slopes, high water table, and impeded drainage. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report in conformance with County Council Bill CB-94-2004, regarding subsurface water conditions for proposed residential construction with a basement, may be required during the permit review process by the Department of Environmental Resources (DER).

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.

**Green Infrastructure Plan Conformance**

The site contains evaluation areas and network gap areas identified in the 2005 *Approved Countywide Green Infrastructure Plan*, located along the southern boundary of proposed Parcel B. This area is partially wooded and contains regulated environmental features. The submitted application shows no new disturbance to this area. The proposed design is in conformance with the Countywide Green Infrastructure Plan.

### **Environmental Review**

A signed Natural Resources Inventory (NRI-027-11) indicates that this site contains streams, wetlands, and 100-year floodplain. The forest stand delineation report describes two forest stands totaling 3.44 acres. There is one specimen tree on the site. The information on the signed NRI is correctly shown on the TCP1 and the preliminary plan of subdivision.

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

The subject site has a total woodland conservation requirement of 4.76 acres. The plan proposes to clear 2.36 acres of woodland on Parcel A, and proposes to meet the entire requirement of 4.76 acres with off-site woodland conservation. The existing woodland in the southern part of the site (Parcel B), which also serves as the riparian buffer for the on-site stream, will remain undisturbed, but not counted as woodland because the woodland outside of the floodplain and storm drainage is less than the 50-foot width requirement for conservation.

Section 25-122(b)(1)(G) of the Woodland Conservation Ordinance requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual." The site contains one specimen tree located within the primary management area (PMA) on Parcel B that is to be preserved.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on properties that require a grading permit. Properties zoned R-10 are required to provide a minimum of 15 percent of the gross tract area in tree canopy. A conceptual landscape plan is not required for review with a preliminary plan application and has not been submitted. Tree canopy coverage should be reviewed with the DSP application for each parcel individually.

### **Primary Management Area (PMA)**

This site contains regulated environmental features that are to be protected pursuant to Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include a stream valley with its associated 60-foot-wide stream buffer and the 100-year floodplain. Section 24-130(b)(5) requires that the preliminary plan and all plans associated with the subject application demonstrate "the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible." Impacts to regulated environmental features require a letter of justification.

A letter of justification has been submitted. Parcel B contains PMA along the southwestern boundary of the site. A portion of the PMA is encumbered with existing parking associated with the existing multifamily buildings, developed since 1977. When the existing multifamily development was constructed on the site, it met all of the applicable regulations. With this preliminary plan, Parcel B is subject to the new environmental regulations, specifically, an increase in the stream and floodplain buffers to 60 feet. The application proposes to subdivide the existing parcel and redevelop the northern portion of the site. No new development is proposed on the southern portion of the site (Parcel B) and no new disturbance is proposed to the regulated

environmental features within the PMA. The proposed subdivision and grading plan, as shown on the TCP1, will have no adverse impacts on the PMA above those impacts that have been in existence since the original development of the site.

The proposed site design demonstrates the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible because no new disturbances are proposed and the existing infrastructure has no adverse impact to the on-site regulated environmental features. Requiring the impacts to be removed from the PMA would cause greater disturbance than what currently exists.

6. **Stormwater Management**—The Prince George’s County Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 32661-2009-00, was approved on January 18, 2010 and expired on May 4, 2010. According to the previous approval, stormwater will be addressed through underground storage and treatment. A new valid stormwater management concept approval letter is required prior to approval of the detailed site plan for Parcel A.
7. **Parks and Recreation**—This preliminary plan of subdivision has been reviewed for conformance with the Subdivision Regulations, the approved area master plan, the Land Preservation and Recreation Program, and the Zoning Ordinance as they pertain to public parks and recreation.

### **Background**

The subject property is directly adjacent to the Hutchinson Commons Neighborhood Mini Park (M-NCPPC property) to the southwest and located approximately one-half mile south of the Greater Capitol Heights/Oakcrest Community Park School Center.

The southern portion of the property is currently developed with two residential towers know as Oakcrest Towers Apartments, built in the early 1970’s. The apartments are part of the larger community of Oakcrest which spans almost the entire length of Brooks Drive to the east, and consists of seven additional multifamily buildings.

### **Analysis**

In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is required for all residential subdivisions, with some exceptions. This application proposes to subdivide Parcel 3 into two parcels, Parcel B for the existing multifamily residential buildings and Parcel A for the new residential development. The configuration of Parcels A and B is a result of the dedication of the right-of-way of Ridley Street, which will divide the property.

Based on information provided by the applicant, there are 420 existing multifamily dwelling units on proposed Parcel B, which yields a projected population of 1,008 persons. The applicant’s current proposal for Parcel A calls for the development of up to 120 multifamily dwellings, with a projected population of 288 persons.

The applicant has provided information about the existing facilities available to residents of existing Oakcrest Towers Apartments on Parcel B, a list of the existing amenities is:

- Outdoor swimming pool
- Three tennis courts
- Two practice hand ball/multi courts

- Playground
- Outdoor grills and picnic tables
- Shuffleboard
- Indoor fitness center
- Arboretum area

It should be noted that some of facilities listed above are not on the subject property, but are within the Oakcrest Community, with no restrictions on their use by the current residents. The existing private recreational facilities currently available to the residents of the Oakcrest Tower Apartments on proposed Parcel B are acceptable and fulfill the requirements for mandatory dedication of parkland.

The applicant has provided a base package of amenities proposed for the multifamily units on Parcel A, which has a projected population of 288 persons. The current amenity list includes:

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

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

In summary, the on-site private recreational facilities that exist on Parcel B and the proposed facilities for Parcel A are adequate and recommended to meet the requirement of Section 24-134 for mandatory dedication of parkland.

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

The MPOT, Complete Streets section, Policy 2 recommends that “All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.” The subject property is within the Developed Tier, as it is described in the county’s 2002 General Plan, and sidewalks are recommended along Ridley Street. There are no sidewalks along the road at this time. It is recommended that the plans show a sidewalk along Ridley Street and that sidewalk connections be constructed from the interior of the site to the sidewalk at the time of site plan review.

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

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

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

9. **Transportation**—The applicant is proposing to create two new parcels, Parcel A and Parcel B. Parcel B contains two existing apartment buildings. The applicant is proposing 120 multifamily residential units on Parcel A. A private street was authorized by the Planning Board pursuant to Section 24-128(b)(11) of the Subdivision Regulations at the time of approval of the abutting Hutchinson Commons Community. Parcel A has two driveway aprons along Ridley Street; one adjacent to Brooks Drive and the other adjacent to Gethsemane Way. Parcel B is served by four access points onto Ridley Street and one access onto Brooks Drive.

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

- **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”
- **Unsignalized intersections:** *The Highway Capacity Manual* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

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

**Traffic Study Analysis**

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

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

Using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the development within Parcel A (120 multifamily dwelling units) shall be limited to uses which generate no more than 62 (12 in, 50 out) AM peak hour trips, and 72 (47 in, 25 out) PM peak hour trips. Total development within Parcel B (420 multifamily dwelling units) 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. The traffic study identified the following critical intersections:

<b>EXISTING TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
Marlboro Pike and Capitol Heights Boulevard	874	734	A	A
Marlboro Pike and Brooks Drive	1,049	1,222	B	C
Brooks Drive and Ridley Street	11.9*	12.8*	--	--
MD 4 and Brooks Drive	1,060	1,144	B	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

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

For background traffic conditions, a growth rate of 1.0 percent per year was used. The growth rate was projected for three years, the expected build-out date for the site. Background development included Dupont Heights, Greater Capitol Heights, Spaulding Heights, the Bradbury Subdivision, the Equinox Condos, and the Suitland Gateway. These approved developments represent 186 single-family units, 25 townhouses, 676 multifamily units, and 41,500 square feet of retail space. Background conditions are shown in the chart below.

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	Marlboro Pike and Capitol Heights Boulevard	1,004	916	B
Marlboro Pike and Brooks Drive	1,150	1,495	B	E
Brooks Drive and Ridley Street	13.2*	15.2*	--	--
MD 4 and Brooks Drive	1,249	1,400	C	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

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

The new trips expected to be generated by the proposed 120 multifamily residential units were added to background traffic to obtain future traffic conditions. The use would generate 62 new trips (12 in, 50 out) during the AM peak hour and 72 new trips (47 in, 25 out) during the PM peak hour. Parcel B contains 420 multifamily units which generate 218 AM peak hour trips (44 in, 174 out) and 252 PM peak hour trips (164 in, 88 out); these are existing units and the trips generated are existing.

<b>FUTURE TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
	Marlboro Pike and Capitol Heights Boulevard	1,009	926	B
Marlboro Pike and Brooks Drive	1,159	1,519	C	E
Brooks Drive and Ridley Street	14.1*	15.4*	--	--
MD 4 and Brooks Drive	1,263	1,409	C	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

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

#### **DPW&T and SHA Comments**

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

recommended that a second access point on Ridley Street near Gethsemane Way be provided for better circulation which will be reviewed at the time of DSP.

**Site Access and Circulation**

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

**Master Plan Roadways**

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

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

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

**Impact on Affected Public School Clusters**

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

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

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

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

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

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

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

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

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

**Capital Improvement Program (CIP)**

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

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

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

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

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

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

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

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

14. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.
15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

For Parcel A, the preliminary plan of subdivision correctly delineates a ten-foot public utility easement along the public right-of-way as requested by the utility companies. For Parcel B, the applicant should provide a ten-foot public utility easement or alternative easement acceptable to all applicable utilities, prior to final plat approval.

16. **Historic**—A Phase I archeological survey is not recommended on the above referenced 15-acre property located at 2011 Brooks Drive in Capitol Heights, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property has been previously graded and disturbed. This proposal will not impact any historic sites, historic resources, or documented properties.
17. **Use Conversion**—This preliminary plan was analyzed based on the proposal for residential development. The analysis includes access, mandatory dedication, and public facilities, specifically related to the multifamily dwelling land use proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan should be required.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the subject preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Combine General Notes 12 and 13 and revise it to “Water and Sewer Category 3.”
  - b. Revise General Note 23 with the correct density for Parcel B to be 49 dwelling units per acre.
  - c. Remove the statement regarding the variation.

- d. Add a note for a variance to Sections 27-442(c), 27-442(e), and 27-442(h) of the Zoning Ordinance for Parcel B.
  - e. Show the ten-foot-wide public utility easement (PUE) for Parcel A, and add a note for Parcel B that the PUE will be established prior to final plat with consent of all affected utilities.
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.”

3. Prior to approval of the detailed site plan for Parcel A, a valid stormwater management concept approval letter shall be submitted.
4. Prior to approval of the final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area (PMA) except for the area included in the approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

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 appropriate mix of recreational facilities. A payment of a fee-in-lieu to supplement the requirements of mandatory dedication may be determined at the time of approval of the detailed site plan and to be paid prior to final plat approval.
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.
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.

8. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) on Parcel A along the 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.
9. At the time of final plat, the applicant shall dedicate the 70-foot-wide easement (1.046 acres) to public use (Ridley Street) as shown on the approved preliminary plan.
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.
11. Prior to approval of the detailed site plan for Parcel A, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following road improvements, unless modified by the Department of Public Works and Transportation (DPW&T) and M-NCPPC:
  - a. Provide a second access point onto Ridley Street for Parcel A. The second access point should be across from the existing entrance on Ridley Street for Parcel B, near Gethsemane Way.
  - b. Provide 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. Provide a sidewalk connection from the interior of the site to a sidewalk along Ridley Street.
12. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to approval of permits.
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.

STAFF RECOMMENDS APPROVAL OF TYPE 1 TREE CONSERVATION PLAN TCP1-008-11 AND A VARIANCE TO SECTIONS 27-443(c), 27-442(e), AND 27-422(h) OF THE ZONING ORDINANCE.