

R E S O L U T I O N

WHEREAS, 95 Forever Bapaz, LLC is the owner of a 5.18-acre parcel of land known as Parcel 170 and Parcel 303, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Multifamily High Density Residential (R-10) and Multifamily Low Density Residential-Condominium (R-30C); and

WHEREAS, on October 29, 2021, 95 Forever Bapaz, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21023 for Brinkley Road Apartments was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 17, 2022, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 17, 2022, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-018-2021, and further APPROVED Preliminary Plan of Subdivision 4-21023, Brinkley Road Apartments, for 1 parcel with the following conditions:

1. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.
2. Development of the site shall be in conformance with the pending Stormwater Management Concept Plan, 29824-2020-00, and any subsequent revisions.
3. Prior to approval of a final plat, the final plat shall include:
 - a. Dedication of a 10-foot-wide public utility easement along the public right-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. Right-of-way dedication of 49 feet from the centerline of Brinkley Road, as shown on the preliminary plan of subdivision.

4. Total development within the subject property shall be limited to uses which generate no more than 55 AM peak-hour trips and 63 PM peak-hour 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.
5. Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (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. Provide a left turn and a through lane at the eastbound approach of the intersection.
 - b. Provide a shared through and right lane at the westbound approach of the intersection.
6. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised, as follows:
 - a. Revise the tree conservation approval block to remove "Antoine Heath and date."
 - b. Revise the woodland conservation worksheet to show woodland conservation provided meets the woodland conservation required.
 - c. Have the revised plan signed and dated by the qualified professional preparing the plan.
7. The conservation easement shall contain the delineated primary management area, except for 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 Maryland-National Capital Park and Planning Commission Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
8. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-018-2021). The following notes shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-018-2021), or as modified by the Type 2 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.”

9. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

10. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater concept shall be submitted. The limits of disturbance shall be consistent between the stormwater concept and Type 1 tree conservation plans.
12. Prior to approval of the first building permit for the subject property, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Prince George’s County Subdivision Regulations (Required Off-Site Facilities), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency’s access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
 - a. Install two concrete bus shelter pad surfaces with two shelter structures along Brinkley Road (Option 2 in Bicycle Pedestrian Impact Study package). One concrete bus shelter and pad shall be located along the north side of Brinkley Road to accommodate westbound buses, and the other concrete bus shelter and pad shall be located along the southern side of Brinkley Road to accommodate eastbound buses. The applicant shall coordinate the exact location with the Prince George’s County Department of Permitting, Inspections and Enforcement.

Should the applicant be unable to obtain a permit for the above listed Required Off-Site Facility, through no fault of the applicant’s, the applicant shall provide alternative facilities (Alternative Off-Site Facilities) that provide a level of adequacy equal to the Required Off-Site Facility from the below list of facilities and chosen by the Prince George’s County Department of Permitting, Inspections and Enforcement, prior to approval of the first building permit. The requirements of Section 24-124.01(g) shall also apply to all Alternative Off-Site Facilities, which are as follows:

- b. Construct new crosswalks and accessible pedestrian signal/countdown pedestrian signal (Americans with Disabilities Act ramps, Walk/Don't Walk signs, push buttons) at MD 414 (Oxon Hill Road) and St. Barnabas Road (Option 5 in Bicycle Pedestrian Impact Statement package).
 - c. Construct new sidewalk along north side of Brinkley Road, and two new pedestrian ramps at intersection with MD 414 (St. Barnabas Road to MD 414 ramp) (Option 6 in Bicycle Pedestrian Impact Statement package).
 - d. Construct new crosswalks and accessible pedestrian signal/countdown pedestrian signal (Americans with Disabilities Act ramps, Walk/Don't Walk signs, push buttons) at Brinkley Road and St. Barnabas Road (Option 4 in Bicycle Pedestrian Impact Statement package).
 - e. Construct new crosswalks and accessible pedestrian signal/countdown pedestrian signal (Americans with Disabilities Act ramps, Walk/Don't Walk signs, push buttons) at Brinkley Road and St. Rosecroft Drive (Option 3 in Bicycle Pedestrian Impact Statement package).
 - f. Complete sidewalk along south side of Brinkley Road (Option 1 in Bicycle Pedestrian Impact Statement package).
 - g. Construct new sidewalk along Rosecroft Road to the racetrack (Option 7 in Bicycle Pedestrian Impact Statement package).
13. Prior to acceptance of any detailed site plan, the applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements approved with Preliminary Plan of Subdivision 4-21023, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations, as part of the detailed site plan submission.
14. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following facilities and show these facilities on a pedestrian and bikeway facilities plan, as part of the detailed site plan, prior to its acceptance:
- a. Standard 5-foot-wide bicycle lane along the property frontage of Brinkley Road, consistent with the Guide for the Development of Bicycle Facilities (American Association of State Highway and Transportation Officials) unless modified by the operating agency, with written correspondence.
 - b. Minimum 5-foot-wide sidewalk, crosswalk, and Americans with Disabilities Act curb ramps along the property frontage of Brinkley Road, unless modified by the operating agency, with written correspondence.

- c. A minimum 5-foot-wide sidewalk and associated crosswalks with Americans with Disabilities Act curb ramps from Brinkley Road to the building entrance.
 - d. Long- and short-term bicycle parking consistent with Guide for the Development of Bicycle Facilities (American Association of State Highway and Transportation Officials) to accommodate residents and visitors.
15. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site recreational facilities.
 16. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Triggers for construction shall also be determined at the time of DSP.
 17. Prior to submission of the final plat of subdivision, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
 18. Prior to approval of building permits for residential development, 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 construction of recreational facilities.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located north of Brinkley Road approximately 0.2 miles east of its intersection with MD 414 (Oxon Hill Road). The property consists of 5.18 acres and is currently comprised of 2 parcels known as Parcel 170 and Parcel 303 recorded in the Prince George's County Land Records in Liber 30095 at folio 67. The property is within both the Multifamily High Density Residential (R-10) Zone and the Multifamily Low Density Residential-Condominium (R-30C) Zone. The R-10 Zone consists of 4.82 acres and the R-30C Zone consists of 0.36 acre. The site is subject to the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning* (Master Plan). This preliminary plan of subdivision (PPS) includes one parcel for development of 105 multifamily units, and one access driveway from Brinkley Road. The site is currently vacant, and is subject to

a PPS, in accordance with Section 24-107 of the Prince George’s County Subdivision Regulations.

3. **Setting**—The property is located on Tax Map 96 in Grids E3 and E4 and is within Planning Area 76B. The abutting properties to the east are located in both the Multifamily High-Rise Residential and R-30C Zones and are developed with single-family detached and multifamily dwellings. The abutting properties to the north and west are in the R-30C Zone and are developed with single-family detached dwellings. The property to the south beyond Brinkley Road consists of a church located in the Rural Residential Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	R-10/R-30C	R-10/R-30C
Use(s)	Vacant	Multifamily (105 dwelling units)
Acreage	5.18	5.10
Lots	0	0
Parcels	2	1
Dwelling Units	N/A	105
Gross Floor Area	N/A	N/A

Due to the 0.078 acre of road dedication required along the property’s frontage with Brinkley Road, the total proposed parcel acreage will be reduced to 5.10 acres, as shown in the table above.

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on November 12, 2021.

5. **Previous Approvals**—Basic Plan A-9624 was approved by the Prince George’s County District Council (Zoning Ordinance No. 44-1987), which rezoned a portion of the subject site, to the R-10 Zone, on July 20, 1987. No conditions are related to the review of this PPS.

PPS 4-06037 was approved by the Prince George’s County Planning Board (PGCPB Resolution No. 06-259) on November 16, 2006. This PPS approved one parcel for development of 90 multifamily dwelling units on the subject site. This PPS is superseded by PPS 4-21023.

6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

This application is in the Established Communities Growth Policy area. The vision for the Established Communities is context-sensitive infill development with low- to medium-density development.

Master Plan Conformance

The master plan recommends residential, high-density land uses on the subject property, at a density not to exceed 48 dwelling units per acre. The applicant proposed 105 dwelling units on approximately 5 acres, which is 21 dwelling units per acre.

SMA/Zoning

The 2006 *Approved Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject property in the R-10 and R-30C Zones.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the master plan's recommended land use and density standards, as evaluated in this finding.

7. **Stormwater Management**—An unapproved Stormwater Management (SWM) Concept Plan (29824-2020-00) was submitted with the current application. These plans are still under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), and propose permeable pavement southeast of the building footprint. Submittal of an approved SWM concept letter and plan will be required for subsequent development review applications. Prior to signature approval of the PPS, an approved SWM concept plan for the current proposal shall be submitted. The approved SWM concept plan and its associated Type 1 tree conservation plan (TCP1) shall show the same site layout. In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the approved SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.
8. **Parks and Recreation**—This PPS was reviewed for conformance with the Subdivision Regulations and the master plan, pertaining to public parks and recreational facilities.

Nearby parks include J. Frank Dent Park, which is located approximately 0.70 mile to the north on Everhart Place and provides a playground and a wooded area. Henson Creek Stream Valley Park with the Henson Creek trail, a 5.7-mile hard surface trail running along Henson Creek, is located approximately 1.3 miles to the east of the site on Brinkley Road. This trail runs from Temple Hill Road to MD 414, touching facilities that include Henson Creek Park, Bock Road Archery Range, Tucker Road Athletic Complex, Tucker Road Community Center, and Tor Bryan Park. The subject property is also located 1.5 miles northeast of the Southern Regional Technology and Recreation Complex.

The master plan has no recommended parcels for future parks located near the proposed development.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations provides for the dedication of land, or the payment of a fee-in-lieu, or the provision of on-site recreational facilities as an alternative to land dedication, in accordance with Section 24-135 of the Subdivision Regulations. Based on the proposed density of development, 15 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission for public parks, which equates to 0.76 acre. The general notes on the PPS

indicate that the applicant is proposing on-site recreational facilities to address mandatory dedication of parkland. In addition, a recreational facilities cost sheet was provided in the application package describing a playground for children ages 5–12, sitting areas at the north end of the property, as well as an indoor gym/fitness center. The applicant shall provide detailed drawings of proposed open space and recreation facilities, in accordance with the Park and Recreation Facilities Guidelines, at the time of detailed site plan (DSP).

The applicant’s proposal to provide on-site recreational facilities will meet the requirements of Section 24-134(a).

9. **Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan to provide the appropriate pedestrian and bicycle transportation facilities.

Existing Conditions, Sidewalks and Bike Infrastructure

The existing site is currently unimproved. There are currently no bicycle facilities built on the subject property. The area under review for the subject application is located within a 2035 General Plan corridor and therefore, is subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines – Part 2.”

Review of Master Plan Compliance

This development case is subject to the MPOT. The subject property fronts on the recommended master-planned bicycle lane along Brinkley Road.

The MPOT provides policy guidance regarding multimodal transportation, and the complete streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Per DPIE, the applicant shall construct the road frontage improvements, in accordance with the Prince George’s County Department of Public Works and Transportation Urban Major Collector Road Specification and Standards No. 100.02. This standard includes a 5-foot-wide bicycle lane and a 6-foot-wide sidewalk, along the property frontage of Brinkley Road.

This development is also subject to the master plan, which includes the following recommendations for pedestrian and bicyclist facilities:

Policy 1: Incorporate appropriate pedestrian, bicycle and transit-oriented design and transit-supporting design features in all new development within centers and corridor notes.

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers.

Policy 6: Provide trail connections within residential communities and the trail network.

Pedestrian and bicycle facilities are not required to be shown on the PPS; however, these facilities shall be included on the DSP. The applicant shall provide a minimum 5-foot-wide sidewalk and associated crosswalks with Americans with Disabilities Act curb ramps from Brinkley Road to the building entrance, creating a direct pedestrian path to the proposed building entrance. In addition, long-term and short-term bicycle parking facilities are recommended to accommodate and encourage multimodal access to the subject property. The required amenities and facilities support the policies of the MPOT, the master plan, Section 24-124.01, and the Transportation Review Guidelines – Part 2.

Adequacy of On-Site Facilities

The applicant has proposed on-site facilities, which include sidewalks, crosswalks at locations where sidewalks intersect with roads, bicycle parking, and benches for outdoor seating.

The proffered on-site sidewalks, crosswalks, and bicycle parking facilities will contribute to meeting the pedestrian and bicycle adequacy findings, pursuant to Section 24-124.01(b).

Adequacy of Off-Site Facilities

The subject application includes proposed off-site bicycle and pedestrian adequacy improvements pursuant to Section 24-124.01(c). The cost cap for the site is \$35,480.94, adjusted for inflation based on the United States Bureau of Labor Statistics Cost Price Index. The below list of improvements, as described in the Bicycle Pedestrian Impact Statement (BPIS) submitted by the applicant, are shown in order of preference by the applicant. However, DPIE has submitted a referral and stated their support for Option 2 shown below, and as described in the BPIS package. However, three bus shelter pads and structures were found to exceed the cost cap and, therefore, have been reduced to two required bus shelter pads and structures, as conditioned herein.

- 1. Construct new crosswalks and Accessible Pedestrian Signal (APS)/Countdown Pedestrian Signal (CPS) (American Disabilities Act (ADA) ramps, walk/don't walk signs, push buttons) at MD 414 and St. Barnabas Road (option #5 in Bicycle Pedestrian Impact Statement (BPIS)).**
- 2. Install three concrete bus shelter pad surfaces with three shelter structures along Brinkley Road (option #2 in BPIS package).**

3. **Construct new sidewalk along north side of Brinkley Road, and two new pedestrian ramps at intersection with MD 414 (St. Barnabas Road to MD 414 ramp) (option #6 in BPIS package).**
4. **Construct new crosswalks and APS/CPS (ADA ramps, walk/don't walk signs, push buttons) at Brinkley Road and St. Barnabas Road (option #4 in BPIS package).**
5. **Construct new crosswalks and APS/CPS (ADA ramps, walk/don't walk signs, push buttons) at Brinkley Road and St. Rosecroft Drive (option #3 in BPIS package).**
6. **Complete sidewalk along south side of Brinkley Road (option #1 in BPIS package).**
7. **Construct new sidewalk along Rosecroft Road to the racetrack (option #7 in BPIS package).**

Should the applicant be unable to obtain a permit for the three proffered concrete bus shelter pad surfaces with three shelter structures, through no fault of the applicant's, the applicant shall provide alternative facilities (alternative off-site facilities) that provide a level of adequacy equal to the required off-site facility from the above list of facilities and chosen by DPIE, prior to approval of the first building permit. The requirements of Section 24-124.01(g) shall also apply to all alternative off-site facilities, described above.

Demonstrated Nexus Finding

The identified off-site improvements provide new and/or improved bicycle and pedestrian access to sites in the surrounding area, subject to regular use by residents of the proposed subdivision. The site has major trip generators and destinations, including nearby transit stops and the Rivertown Commons shopping center.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proposed off-site facilities and improvements for the proposed development and nearby destinations.

Based on the preceding findings, the pedestrian and bicycle transportation facilities will serve the proposed subdivision, meet the findings required by Subtitle 24 of the Prince George's County Code, and conform to the master plan and the MPOT.

10. **Transportation**—Transportation-related findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. The proposed development is projected to generate greater than 50 trips in either peak hour. Consequently, a traffic impact study (TIS) was required as part of the evaluation of transportation adequacy. The findings outlined below are based upon a review of the materials and analyses, consistent with the "Transportation Review Guidelines - Part 1" (Guidelines).

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area (TSA) 1, as defined in Plan 2035. 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. Mitigation, per Section 24-124(a)(6), is permitted at signalized intersections within any TSA, subject to meeting the geographical criteria in the Guidelines.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

For two-way, stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions.

EXISTING CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
MD 414 & I-95 Off ramp (to Brinkley Road)	A/685	D/1403
Brinkley Road-St. Barnabas Road & Link to MD 414	A/285	A/768
Brinkley Road & Rosecroft Drive	A/757	C/1211

The traffic study did not identify any background developments whose impact would affect some or all of the study intersections. Based on the last 10 years of daily traffic along MD 414, as well as Brinkley Road, it was determined that an average growth of 0.5 percent growth has occurred. The data were then adjusted by a 1.005 factor for three years, to reflect 2024 conditions. This projection is consistent with the recommendation in the Guidelines. The following represents the results for the background analyses:

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
MD 414 & I-95 Off ramp (to Brinkley Road)	A/694	D/1424
Brinkley Road-St. Barnabas Road & Link to MD 414	A/289	A/779
Brinkley Road & Rosecroft Drive	A/769	C/1230

Using the trip rates from the Guidelines, the study has indicated that the subject application represents the following trip generation:

Table 1 - Trip Generation						
	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
105 Dwelling Units	10	45	55	41	22	63

The table above indicates that the development will be adding 55 AM and 63 PM peak trips.

A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
MD 414 & I-95 Off ramp (to Brinkley Road)	A/694	D/1424
Brinkley Road-St. Barnabas Road & Link to MD 414	A/289	A/779
Brinkley Road & Rosecroft Drive	A/769	C/1230
Brinkley Road and Site Access*	16.6 seconds	24.5 seconds
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail, in order to require a signal warrant study.		

The results under total traffic conditions show that the intersections will all operate adequately. The analyses assumed the following road geometric changes to Brinkley Road:

- Provide a left-turn and a through lane at the eastbound approach of the intersection.
- Provide a shared through and right lane at the westbound approach of the intersection.

MPOT, Master Plan, and Site Access

The subject property is located in an area where the development policies are governed by the master plan. The subject property is also governed by the MPOT. The development fronts on Brinkley Road, a two-lane road within a variable-width right-of-way. Brinkley Road is recommended to be upgraded to a major collector road (MC-701), within a range of 80 to 116 feet of right-of-way. The applicant proposed dedication of approximately 49 feet from the centerline of Brinkley Road, which is the midpoint of the recommended range, and this is acceptable. All other aspects of the site regarding access and layout are deemed to be acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-124, with the recommended conditions.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, Prince George’s County Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Facilities Regulation for Schools*. Per Section 24-122.02(a)(2), the subdivision is considered adequate when the future student enrollment does not exceed 105 percent of the state-rated capacity. The subject property is located within Cluster 5, as identified in the *Pupil Yield Factors & Public-School Clusters 2020* update. An analysis was conducted, and the results are as follows:

Impact on Affected Public School Cluster by Multifamily Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 5	Middle School Cluster 5	High School Cluster 5
Multifamily (MF) Dwelling Units	105	105	105
Pupil Yield Factor (PYF) – Multifamily	0.162	0.089	0.101
MF x PYF = Future Subdivision Enrollment	17	9	11
Adjusted Student Enrollment 9/30/19	6,428	2,797	3,668
Total Future Student Enrollment	6,445	2,806	3,679
State Rated Capacity	7,913	3,304	5,050
Percent Capacity	81	85	73

Section 10-192.01 of the County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. Per Section 24-114.01, School Planning Capacity Analysis, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities, it is not a condition of approval for a subdivision. The current amount of the school surcharge is \$10,180 per dwelling if a building is located between I-95/I-495 and the District of Columbia; \$10,180 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 \$17,451 per dwelling for all other buildings. This project is located outside of I-95/I-495; thus, the surcharge fee is \$17,451. This fee is to be paid to DPIE at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, police, water and sewerage, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated November 2, 2021 (Perry to Heath) and incorporated by reference herein.
13. **Public Utility Easement**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of Brinkley Road. The required PUE along Brinkley Road is delineated on the PPS.

14. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is high. A Phase I archeology survey was completed, and a draft report was submitted. The property was disturbed by the demolition of previous houses on the property. No archeological sites were identified. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites.
15. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resource Inventory#	Authority	Status	Action Date	Resolution Number
DSP-05012	N/A	Planning Board	Continued	02/23/2006	N/A
N/A	NRI-063-2006	Staff	Approved	06/04/2006	N/A
4-06037	TCP1-031-2006	Planning Board	Expired	11/16/2006	06-259
N/A	NRI-063-2006-01	Staff	Approved	06/27/2020	N/A
4-21023	TCP1-018-2021	Planning Board	Approved	02/17/2022	2022-24

Proposed Activity

The applicant requested approval of a PPS and TCP1-018-2021 for one parcel for development of 105 multifamily dwelling units.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010, because the application is for a new PPS. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

Site Description

This 5.18-acre site is zoned R-10 and R-30C and is located at 2300 Brinkley Road in Fort Washington. The property is bounded to the north by woodlands, to the east by a single-family dwelling and a condominium complex, to the south by Brinkley Road, and to the west by single-family dwellings and woodlands. A review of the available information indicates that regulated environmental features (a stream and steep slopes) are located on-site. The soil types found on-site according to the U.S. Department of Agriculture Natural Resources Conservation Services Web Soil Survey are Beltsville-Urban land complex, Croom-Marr complex, and Grosstown gravelly silt loam soils. Marlboro or Christiana Clays do not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stormwater drains to the central portion of the site to the on-site stream system. This site is in the Henson Creek watershed, which flows into the Potomac River. The site has frontage on Brinkley Road, which is designated as a master-planned major collector roadway. The site is not adjacent to any roadways designated as scenic or historic. The site is located within Environmental Strategy Area 1 (ESA 1) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The approved 2017 *The Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan) shows most of the site within the evaluation area.

General Plan Conformance

The site is located within ESA 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and the Established Communities Growth Policy area of the Plan 2035 Growth Policy Map.

MASTER PLAN CONFORMANCE – Environmental Features

Henson Creek-South Potomac Master Plan

This application is not associated with a focus area and is located within Planning Area 76B. The Environmental Infrastructure Section of the plan text contains the following guidelines which have been determined applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve, and enhance the identified green infrastructure network within the Henson Creek planning area.

This project is shown to contain evaluation areas within the Green Infrastructure Plan. According to the recently approved Natural Resources Inventory (NRI), the subject lot contains woodlands and regulated environmental features. These regulated environmental features and a portion of the woodland areas will be protected and preserved with the on-site development.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Preservation of water quality in this area should be provided through the application of best SWM practices. An unapproved SWM concept plan, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code (29824-2020-00) has been submitted.

These plans are still under review by DPIE. An approved SWM concept plan is required, prior to certification of the PPS.

Policy 3: Reduce Overall energy consumption and implement more environmentally sensitive building techniques.

The use of green building and energy conservation techniques is encouraged and should be implemented to the greatest extent possible. Development applications for the subject property should incorporate green and environmentally sensitive building and site design techniques to reduce overall energy consumption to the fullest extent practical. The review of building materials will occur with subsequent site plan review, which includes details for the proposed development.

Policy 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

The site is not located within a rural or environmentally sensitive area. Lighting will be further evaluated with subsequent site plan reviews, which include lighting details for the proposed development.

Policy 5: Reduce noise impacts to meet State of Maryland noise standards.

The subject property is proposed for 105 multifamily dwelling units. The site is surrounded by existing woodland, single-family residential, and multifamily dwellings. The adjacent road, Brinkley Road, is identified as a major collector roadway by the MPOT, which does not typically generate sufficient noise to trigger review for noise during the development review process. The proposed use is not anticipated to cause noise impacts.

Conformance with Countywide Green Infrastructure Plan

According to the Green Infrastructure Plan, the site is mostly within the evaluation area of the designated green infrastructure network and contains an intermittent stream (unnamed stream to Southwest Branch), associated stream buffer, and adjacent woodlands. Impacts are proposed within the evaluation areas for redevelopment of the site.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

The property is subject to the WCO. The current general plan, Plan 2035, designates the site within ESA 1. The proposal preserves woodland while implementing the desired development pattern of Plan 2035 by preserving on-site woodland and preserving the primary management area (PMA), in conformance with the WCO.

The property contains evaluation areas within the green infrastructure network. The evaluation area covers most of the site, with scattered areas not mapped within the network. This evaluation area includes the on-site stream system and stream buffer. The on-site unnamed tributary is part of the Henson Creek. The Henson Creek is identified as a primary corridor. Conservation and preservation of these corridors, particularly the headwater areas, will help to improve water quality downstream. The proposed development will not adversely affect water quality, because the project is subject to review by the Prince George's County Soil Conservation District related to sediment and erosion control measures, and approval of SWM by DPIE.

The single proposed PMA impact will disturb an evaluation area for a sewer connection to an existing on-site sewer pipeline. The property has no other sewer connection options other than to access the on-site pipeline. The TCP1 shows the preservation of existing woodland areas. The proposed impact to the PMA is discussed in the Regulated Environmental Features/PMA section of this resolution, and the proposed preservation of woodland is discussed in the Woodland Conservation section of this resolution. The proposed project, which is consistent with the R-10 zoning, preserves the high-priority environmental features of the site within the network.

POLICY 4: Provide the necessary tools for implementation of the Green Infrastructure Plan.

- 4.2: Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation will be required to be placed within woodland and wildlife habitat conservation easements, prior to approval of the Type 2 tree conservation plan.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8: Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9: Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

An unapproved SWM Concept Plan (29824-2020-00) has been submitted, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. These plans are still under review by DPIE. The PMA associated with this application are located along the on-site stream system, wetlands, and buffers. A necessary impact to the PMA for a sewer connection is located at an existing manhole location. The remaining PMA will be preserved or reforested as part of the on-site woodland conservation requirement.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

- 7.1: Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2: Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4: Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Based on the proposed TCP1, the proposed development will preserve five specimen trees, 1.63 acres of woodlands, and PMA. No reforestation is proposed, and the applicant will meet the 0.14 acre remaining woodland requirement with fee-in-lieu.

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan/Existing Features

An approved NRI-063-2006-01 was submitted with the application. The site contains a stream, wetlands, associated buffers, and PMA. No 100-year floodplain is associated with this site, according to DPIE. There is an abandoned house on-site, with maintained lawn and scattered trees, in the southwest corner of the site, along Brinkley Road. The NRI shows 4.62 acres of woodlands and seven specimen trees, with two being dead.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP1-018-2021 was submitted with the PPS.

Based on the revised TCP1, the overall site contains a total of 4.62 acres of net tract woodlands. The plan shows a proposal to clear 2.92 acres of net tract woodland for a woodland conservation requirement of 1.77 acres. Currently, the woodland conservation worksheet shows 1.63 acres of on-site preservation, and 0.71 acre of off-site woodland credits for a woodland conservation provided of 2.34 acres. This provided amount is over the requirement and the woodland conservation worksheet needs to be corrected to show a reduction in off-site credits so that the woodland conservation requirement being met for the project equals the requirement shown on the worksheet.

Technical revisions are required to the TCP1, which are included in this resolution.

Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

The site contains regulated environmental features/PMA. According to the revised TCP1 and statement of justification (SOJ) dated November 22, 2021, the applicant proposed one impact to the PMA (wetlands and wetland buffer) for a connection to an existing on-site sanitary sewer.

Statement of Justification

The SOJ includes a request for one PMA impact totaling 240 square feet of impact proposed to wetlands and wetland buffer.

Analysis of Impacts

The applicant requested one impact, as described below:

Impact 1

This PMA impact area, totaling 240 square feet (50 square feet of wetlands and 190 square feet of wetlands buffer), is for construction of a sewer line connection to an existing on-site sewer pipeline. After the sewer pipe has been installed, this impact area is required to be returned to the previous grade. The areas inside the sewer easement area will remain open and not replanted.

The PMA impact is considered necessary to the orderly development of the subject property. The impact cannot be avoided because the site is required to provide adequate stormwater drainage and infrastructure. The plan shows the preservation, restoration, and enhancement of the remaining PMA. Given the forgoing findings, this impact is approved.

16. **Urban Design**—Conformance with the Prince George’s County Zoning Ordinance (Subtitle 27) is evaluated, as follows:

The multifamily dwellings are permitted in the R-10 Zone, in accordance with Prince George’s County Council Bill CB-29-2020. The proposed use will be subject to DSP approval. Conformance with additional Zoning Ordinance regulations is required for the proposed development at the time of DSP including, but not limited to, the following:

- Section 27-439 (R-10 Zone)
- Section 27-441, Uses (R-10 Zone)
- Section 27-442, Regulations (R-10 Zone)
- Part 11, Off-Street Parking and Loading, and
- Part 12, Signs

The multifamily dwellings are permitted in the R-30C Zone, subject to Footnote 6, which requires a condominium plat to be recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit. A condominium plat is not being proposed by this application, and it is noted that the portion of the site zoned R-30C is proposed to be improved only with parking to serve the primary use. The multifamily building is proposed on the R-10-zoned portion of the site and is permitted in the zone as discussed above, without the requirement of a condominium plat. Conformance with the additional Zoning Ordinance regulations is required for the proposed development at the time of DSP including, but not limited to, the following:

- Section 27-435 (R-30C Zone)
- Section 27-441, Uses (R-30C Zone)
- Section 27-442, Regulations (R-30C Zone)

- Part 11, Off-Street Parking and Loading, and
- Part 12, Signs

Conformance with the 2010 Prince George’s County Landscape Manual

This development is subject to the requirements of the 2010 *Prince 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 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. Conformance with these requirements will be evaluated at the time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. The property is in the R-30C and R-10 Zones and will require 15 percent of gross tract area to be in TCC. Conformance with this requirement will be evaluated at the time of DSP.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 17, 2022, in Upper Marlboro, Maryland.

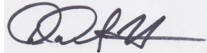
Adopted by the Prince George's County Planning Board this 10th day of March 2022.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AH:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 7, 2022