



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 15-93

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Upper Marlboro, Maryland 20772

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File No. 4-15007

RESOLUTION

WHEREAS, Estelle Sacks Trust is the owner of a 6.01-acre parcel of land known as Tax Map 35 in Grid C-3, said property being in the 14<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on June 9, 2015, Prakash Hosadurga filed an application for approval of a Preliminary Plan of Subdivision for the construction of 118 multifamily dwelling units for apartment housing for the elderly; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-15007 for Bhagya Village 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 September 10, 2015, 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 September 10, 2015, 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 (TCP1-005-15), and APPROVED Preliminary Plan of Subdivision 4-15007, Bhagya Village, including a Variance to Section 25-122(b)(1)(G) for specimen tree removal with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
  - a. Provide the bearings and distances for the front property line after dedication.
  - b. Label the new parcel as "Parcel 1" and provide square footage and acreage.
  - c. Revise General Note 12 to state that "The proposed density is 28.3 DUs/acre."
  - d. Add a note which provides the specific on-site recreational facilities proposed by the applicant to meet the mandatory dedication requirement.

2. Development of this site shall be in conformance with Stormwater Management Concept Plan 2619-2014-00 and any subsequent revisions.
3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along all public streets.
4. Prior to approval of building permits, the lighting plan shall demonstrate the use of full optic cut-off lamps to reduce light intrusion.
5. Prior to approval of the preliminary plan, the TCP1 shall be revised as follows:
  - a. Revise the Type1 tree conservation general notes to show all of the notes consistent with the standard language of the (Environmental Technical Manual).
  - b. Replace the TCP1 approval block on the plan with the correct TCP1 approval block for this application.
  - c. Add a note stating that "The off-site requirement shall be met by afforestation."
6. Prior to approval of building permits, the building permit plan shall demonstrate the provision of a standard sidewalk along the subject site's entire frontage of Cipriano Road, unless modified by Department of Permitting, Inspections, and Enforcement (DPIE)/ Department of Public Works and Transportation (DPW&T).
7. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation/Department of Permitting, Inspections, and Enforcement for the placement of one "Share the Road with a Bike" sign along Cipriano Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
8. Total development within the subject property shall be limited to uses which generate no more than 15 (6 in; 9 out) AM peak-hour trips, and 19 (12 in; 7 out) 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.
9. At the time of final plat approval, the applicant shall dedicate public right-of-way of 40 feet from the centerline of Cipriano Road along the property frontage, as shown on the approved PPS.
10. Prior to the submission of final plats, the applicant and the applicant's heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site for approval.

Upon approval by DRD, the RFA shall be recorded among the County Land Records. The recreation facilities shall be completed prior to any M-NCPPC recommendation of approval of a use and occupancy permit.

11. Prior to the issuance of building permits, 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. Prior to signature approval of the PPS, the recreational facilities shall be listed on the PPS and a cost estimate for each facility shall be provided to staff.
12. Any nonresidential development of the property shall require a new preliminary plan of subdivision.

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 on Tax Map 35 in Grid C-3 and is composed of a legal acreage-parcel of land never having been the subject of a preliminary plan of subdivision or associated final plat. The property consists of 6.01 acres of land within the R-80 Zone and is currently developed with a single-family dwelling and accessory uses which are to be razed. This preliminary plan of subdivision (PPS) proposes the construction of 118 multifamily dwelling units for apartment housing for the elderly. Pursuant to Section 24-107(c)(7) of the Subdivision Regulations, the development of more than 5,000 square feet of gross floor area (GFA) or more than one single-family dwelling and uses accessory thereto shall require approval of a preliminary plan of subdivision (PPS) and final plat, resulting in this application.

The subject site is rectangular in form and fronts Cipriano Road to the west, which is a master-plan collector roadway (C-328) with an ultimate right-of-way (ROW) of 80 feet. One vehicular access driveway is proposed at the existing intersection of Cipriano Road and Nightingale Drive. Final location of the driveway, including review for site distance, will be determined by the Department of Public Works and Transportation (DPW&T). The Bald Hill Branch Stream Valley is located at the rear of the subject site, running north-south along the site's eastern property boundary.

This site is located within the Established Community growth policy area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) and the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (SMA/Sector Plan). The application, with its proposed residential land use, is consistent with the land use recommendations of Plan Prince George's 2035 and the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan. The applicant has filed a Special Exception SE-4749 which is currently being reviewed by the Zoning Hearing

Examiner for the development of the proposed use for multifamily dwelling units for housing for the elderly. Development and use of the site shall be in accordance with the approved special exception site plan, pursuant to Section 27-319(a) of the Zoning Ordinance, if approved by the District Council. However, although this PPS is being reviewed for the proposed special exception (SE) use, the site may be developed with other permitted residential uses in accordance with the trip cap approval with the PPS and the applicable Subdivision and Zoning Regulations.

3. **Setting**—The subject site is located on the east side of Cipriano Road, approximately 175 feet north of Magnolia Drive. The site is surrounded by R-80 zoned property developed with single-family dwellings to the east and south, and a daycare to the north. To the west of the site, across Cipriano Road are single-family dwellings also in the R-80 Zone.
4. **Development Data Summary**—The following information relates to the subject preliminary plan of subdivision (PPS) application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	R-80 Single-Family Dwelling (to be razed)	R-80 Apartment Housing for the Elderly (118 units)
Acreage	6.01	6.01
Lots	0	0
Parcels	1	1
Dwelling Units	1	118
Public Safety	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
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 June 19, 2015.

5. **Community Planning**—This site is located within the Established Community growth policy area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The Plan Prince George's 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

The site is also located within the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (SMA). The Plan Prince George's 2035 defers to the Glenn Dale-Seabrook and Vicinity Sector Plan for specific land use recommendations at this location. The Glenn Dale-Seabrook and Vicinity Sector Plan retained the site in R-80 Zone.

The application, with its proposed residential land use, is consistent with the land use recommendations of Plan Prince George's 2035 and the Glenn Dale-Seabrook and Vicinity Sector Plan.

6. **Urban Design**—Special Exception SE-4749 was previously reviewed by the Urban Design Section for the subject property, and is under review by the Zoning Hearing Examiner at the time of the writing of this report. Development and use of the site shall be in accordance with the approved special exception site plan, pursuant to Section 27-319(a) of the Zoning Ordinance, if approved by the District Council. However, although this PPS is being reviewed for the proposed special exception (SE) use, the site may be developed with other permitted residential uses in accordance with the trip cap approval with the PPS and the applicable Subdivision and Zoning Regulations.

The current Special Exception (SE) request for 118 multifamily dwelling units states that the proposed density is 26.6 DUs/acre. However, it is noted that the net lot area reviewed with this PPS is 4.1669 acres, which would result in a density of 28.3 DUs/acre. The final determination of the density allowable for the SE will be made by the District Council, however, this PPS also establishes a capacity limit associated with 118 dwelling units.

7. **Environmental**—The subject site had been previously reviewed the following application:

Development Review Case	Associated Tree Conservation Plan	Approval Authority	Status	Action Date	Approval Document
SE-4749	TCP2-008-14	District Council	Pending	Pending	Pending

The Special Exception SE-4749 is currently under review with the Zoning Hearing Examiner. The project is subject to the environmental regulations contained in Subtitle 24 and 27 that came into effect on September 1, 2010 and February 1, 2012, because this is a new project.

The 6.01-acre site in the R-80 Zone is located along the eastern side of Cipriano Road at the intersection of Nightingale Drive. Woodlands cover nearly 75 percent of the site with an area of open space at the front of the property with a one-story house, driveway, and accessory structures. According to mapping research and as documented with the approved NRI, streams, wetlands, 100-year floodplain, associated buffers, and steep slopes are found on the property. This site is within the Western Branch watershed which flows into the Patuxent River basin. According to available information Marlboro clay is not present on-site; however Christiana complexes are found on this property. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Christiana-Downer complexes (0 to 25% slopes), Russett-Christiana-Urban land complex (0 to 5% slopes), and Zekiah and Issue soils, frequently flooded. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare,



threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property. The site has frontage along Cipriano Road, which is a master planned collector road that does not generate enough traffic to produce noise levels above the state standard of 65 dBA Ldn; therefore, no noise study is required. Cipriano Road is neither designated as a scenic nor as a historic road. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains Regulated and Evaluation Areas within the designated network of the plan. The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

#### **Master Plan Conformance**

The site is located in the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Sector Plan/SMA). The Natural Resources/Environment Chapter contain goals, policies and strategies. The following guidelines have been determined to be 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.

#### **Goal 1: Restore and enhance water quality in areas that have been degraded.**

##### **Policy 1: Decrease the amount of pollutants from both storm and non-storm events**

The site contains one large perennial stream known as the Bald Hill Branch with two small perennial tributaries, and three associated wetlands.

An approved Stormwater Management (SWM) Concept plan, 2619-2014-00, and associated approval letter were submitted with the application. According to the approval letter, retention is required with regard to water quality control. In addition, the site is also required to provide one-year attenuation for water quantity control, and pay a fee-in-lieu of providing on-site attenuation/quality control measures. The concept plan shows two proposed bio-retention facilities, along with an extensive use of permeable pavement in the surface parking areas, and in the outdoor lounge sitting area to be designed to intercept and treat water from both storm and non-storm events.

##### **Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.**

According to the Type 1 tree conservation plan (TCP1), no clearing of vegetation within any wetlands, streams or their associated buffers will result from the proposed development of the site. All stream and wetland buffers on-site are proposed to be preserved.

**Goal 2: Prevent flooding associated with new and redevelopment.**

**Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.**

As part of the improvement of the subject site, the applicant will be required to remove all trash from the on-site stream system in accordance with Subtitle 13-265.

**Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.**

Water quality will be addressed through the approval of the final stormwater management plan by the Department of Permitting, Inspections and Enforcement (DPIE).

**Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.**

**Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.**

The TCP1 shows one woodland preservation area totaling 0.22 acres. The plan shows an additional 1.57 acres of woodland retained in 100-year floodplain. The plan also indicates that 1.84 acres of off-site credit will also be used to meet the woodland conservation requirements. Although the location of the off-site mitigation has not yet been identified, it is encouraged that the applicant seek to preserve woodlands within the sector plan area.

**Policy 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.**

The application does not propose any reforestation on-site. Landscaping requirements will be evaluated in conjunction with the 2010 *Prince George's County Landscape Manual* at the time of building permit.

**Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.**

Proposed site improvements may result in a net loss of forest cover within the boundary of the Sector Plan if the proposed remaining off-site requirement is placed in a woodland conservation bank in a different location. This off-site mitigation will be met at a location to be approved by the Environmental Planning Section prior to issuance of the first grading permit. To ensure no net loss of forest cover, any off-site woodland mitigation should be in the form of reforestation or afforestation. The off-site requirement shall be met in the form of afforestation.

**Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.**

**Policy 1: Require stormwater to be treated nonstructurally to the maximum extent practicable.**

Stormwater best practices such as permeable paving, and bio-retention areas have been incorporated into the design of this project to capture and pretreat storm water and surface runoff from the site.

**Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.**

**Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.**

The use of green building techniques and energy conservation techniques should be used as appropriate.

**Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.**

Full optic cut off lamps should be used on this site to reduce light intrusion.

**Policy 4: Reduce adverse noise impacts to meet State of Maryland noise standards.**

The site has frontage on Cipriano Road, a classified collector road that is not regulated for noise. The subject use is not expected to be a noise generator.

**Conformance with the Countywide Green Infrastructure Plan**

According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), Regulated Areas exist along the eastern portion of the site primarily associated with stream, wetlands, and 100-year floodplain within the primary management area (PMA). Most of the remaining site is mapped as being within a Network Gap area except for a small non-regulated area located in the southwestern corner of the site.

To find conformance with the Green Infrastructure Plan, the Planning Board must find that the Type 1 tree conservation plan (TCP1) adequately addresses the following policies:

**Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**



Regulated areas are mapped on-site, and will almost entirely be preserved with the proposed development of this site. Only a small area of PMA ( $\pm 0.01$  acres) is proposed to be impacted for the construction of a stormwater outfall structure.

Development is focused in the most developable area on the site (the western portion of the property), which is within Network Gap and non-regulated areas.

**Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

The stormwater concept was approved under the current stormwater regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). The plan proposes to treat off-site stormwater runoff from multiple sources as part of the design.

**Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

The current Plan Prince George's 2035, designates the site within ESA 2 (formerly the Developing Tier). The Plan Prince George's 2035 proposes to preserve 0.22 acres of existing woodland.

The site's constraints limit the opportunity for preserving woodland resources on-site due to the proposed use. The locations of existing environmental features occupying the eastern portion of the site result in a limited extent of developable land on-site. The proposed design meets the intent of the 2005 *Approved Countywide Green Infrastructure Plan* to the fullest extent practicable by proposing to further improve water quality of potential stormwater discharging off-site by pre-treatment in bioretention areas, and preservation of the PMA.

**Environmental Review**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan, TCP1-005-15 has been submitted for review with the preliminary plan package. The site has a woodland conservation threshold of 0.89 acres and an overall requirement of 2.06 acres after proposing to clear 2.66 acres. The project proposes to meet the requirement with 0.22 acres of woodland preservation, and 1.84 acres of off-site conservation on another property, at a location to be determined prior to permitting.

Some revisions are required. The Type 1 tree conservation plan general notes section does not show all of the required notes. The plan does not show the most current standard block required to be used on a TCP1. Replace the existing TCP1 approval block on the TCP1 plan with the correct TCP1 approval block required to be used with development review cases.

### **Specimen Tree Variance**

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010. Type 1 tree conservation plan (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2 that includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances). After careful consideration has been given to the preservation of the specimen trees and there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 statement of justification and required Variance Application in support of a variance was submitted, and stamped as received by the Environmental Planning Section (EPS) on August 4, 2015. The specimen tree table on the TCP1 indicates the removal of three of the **ten** on-site specimen trees. The limits of disturbance on the plan show that these trees are to be removed. The statement of justification submitted with the Subtitle 25 Variance Application provides the rationale for each removal. No condition analysis of each tree was provided. Therefore, there are no details of the condition or rating of the trees other than what is provided on the plan. Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship**

Design constraints on-site include a perennial stream running north to south through the eastern portion of the site, three wetlands, 100-year floodplain, areas of steep slopes, and associated environmental buffers. Development can only occur on the western half of the property due to these environmental constraints.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas**

The applicant states that if they were required to keep all improvements outside the root zones of the specimen trees, the building, parking, and proposed circulation would fail to be developed due to the close proximity of specimen trees. Since the proposal is a senior housing facility, the configuration of the layout is crucial from a safety, environmental and economic viewpoint.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants**

The design of the building for use of apartment housing for the elderly aims to impact as little of the environmental features as possible by preserving almost the entirety of the primary management area (PMA) and by preserving seven other specimen trees on-site. This results in maximum preservation of the most significant on-site habitat in accordance with the law. If other properties encounter trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant**

The applicant has taken no actions leading to the conditions or circumstances that are the subject of this variance request.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property**

The surrounding land uses (residential lots, daycare center, and church) do not have any inherent characteristic or conditions that have created or contributed to this particular need for a variance.

**(F) Granting of the variance will not adversely affect water quality**

Granting a variance to remove the specimen trees will not directly affect water quality because no regulated environmental features are located on-site within the vicinity of their removal and the reduction in tree cover will be minimal. Requirements regarding stormwater management will be reviewed by the Department of Permitting, Inspections and Enforcement (DPIE).

The required findings of Section 25-119(d) have been adequately addressed and satisfied. Removal of specimen trees numbered 1, 2, and 3, and TCP1-005-15 is **APPROVED**.

8. **Primary Management Area**—The site contains primary management area (PMA) that is required to be preserved to the fullest extent possible per Section 24-130(b)(5). The Subdivision Regulations require that: "...all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible." The regulated environmental features on the subject property include the delineated PMA.

Impacts to the regulated environmental features should be limited to those that are necessary for the 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 stormwater management 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.

Stormwater management 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, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

If impacts to the regulated environmental features are proposed a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A statement of justification for the proposed impacts to the PMA and 100-year floodplain was received on August 4, 2015 and dated May 5, 2015. The PPS proposes impacts to the PMA for one stormwater outfall impacting an area of 486 square feet of forested 100-year floodplain within the PMA for micro-bioretenion devices.

The current Environmental Technical Manual (ETM) provides guidance in determining if a site has been designed to meet the threshold of "fullest extent possible." The first step in the evaluation is determining if an impact is avoidable. If an impact cannot be avoided because it is necessary for the overall development, the next step is to minimize the impact. If an impact cannot be minimized, mitigation, if proffered, may be considered depending on the extent of the impact. In this case the stormwater outfall impact is unavoidable because the outfall structure is necessary to safely convey stormwater into the stream system. Therefore, the impact as requested is **APPROVED**.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1, with conditions.

9. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has approved a Stormwater Management Concept Plan, 2619-2014-00, to ensure that development of this site does not result in on-site or downstream flooding and that stormwater control is provided on-site. The approval letter was issued on June 27, 2014. According to the approval letter, retention is required with regard to water quality control. In addition, the site is also required to provide one-year attenuation for water quantity control, and pay a fee-in-lieu of providing on-site attenuation/quality control measures. The concept plan shows two proposed bio-retention facilities, along with an extensive use of permeable pavement in the surface parking areas, and in the outdoor lounge sitting area to be designed to intercept and treat water from both storm and non-storm events.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to

be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County Ordinances for stormwater management, 100-year floodplain, and woodland conservation; and programs implemented by DPIE; the Prince George's County Health Department; the Prince George's County Department of the Environment; the Prince George's Soil Conservation District; the Maryland-National Capital Park and Planning Commission (M-NCPPC), Planning Department; and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this functional master plan.

10. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, appropriate on-site recreational facilities should be provided for future residents. The recreation areas should be centrally located on the site, and should include active and passive recreational facilities, such as outdoor sitting areas, and walking trails for future residents. The PPS provides adequate open space to provide on-site private recreation facilities.

The staff report for Special Exception SE-4749 lists the facilities proposed by the applicant. The required value of facilities to be provided is \$118,777.60. Prior to signature approval of the PPS, the plan shall be revised to include a note which states the specific facilities proposed by the applicant to meet the mandatory dedication requirement. A cost estimate shall be provided for the facilities prior to signature approval of the PPS, which shall be used in the bonding of the recreational facility and preparation of the recreational facilities agreement by the applicant.

11. **Trails**—This PPS has been reviewed for conformance with Sections 24-123 and 24-124.01 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map* (SMA) in order to implement planned trails, bikeways, and pedestrian improvements. The location of the subject site at 6711 Cipriano Road is to the south of the boundary for the Greenbelt Road Corridor per the Adequate Public Facility Review Map of the Plan Prince George's 2035. Because the site is not located in either designated center or corridor, it is not subject to the requirements of Section 24-124.01 the "Transportation Review Guidelines, Part 2, 2013."

**Conformance to the MPOT and 2010 Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan**

Two master plan facilities impact the subject site. Continuous sidewalks and on-road bike accommodations are recommended along Cipriano Road. A stream valley trail is recommended along Bald Hill Branch. Bald Hill Branch is located at the rear of the site along the eastern boundary. The text from the MPOT regarding the stream valley trail is noted below:

**Bald Hill Branch Stream Valley Trail:** This stream valley trail will connect to the planned Folly Branch Trail and Western Branch Trail, as well as the existing trail along MD 450 (MPOT, page 26).



The Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan adds the following text and background regarding this master plan trail proposal:

**Bald Hill Branch Stream Valley Trail (MD 193 to US 50)—  
Provide a stream valley trail along Bald Hill Branch. This trail will link adjacent residential communities, provide access to Lanham Forest Community Park, and connect to the regional trail network (Sector Plan, page 282).**

Although the MPOT and Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan both designate Bald Hill Branch as a master plan trail corridor, the sector plan does not recommend the acquisition of the segment of the stream valley located on the subject site, by M-NCPPC as public parkland. Table A7 of the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan indicates that park acquisition is intended only south of Annapolis Road (MD 450). Furthermore, no land acquisition by M-NCPPC along this corridor has occurred north of MD 450 (with the exception of Cipriano Park south of Good Luck Road). North of the subject site some of the floodplain has been acquired by Prince George's County, while the rest of the corridor remains in private ownership. Where development has occurred along this segment of the stream valley, the stream valley has been dedicated to private HOAs or retained in private ownership, and no trail construction was required. Discussions with the M-NCPPC Department of Parks and Recreation (DPR) have indicated that DPR does not recommend the acquisition of this portion of the stream valley or the extension of the planned trail north of MD 450. Due to these reasons, neither the dedication of parkland nor the construction of the trail on the subject site are recommended. The northern terminus of the planned Bald Hill Branch Stream Valley Trail will be at MD 450 to the south, as indicated by DPR.

The Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan includes a table of necessary pedestrian safety improvements, which includes the following text regarding the completion of the sidewalks along Cipriano Road.

**Cipriano Road: Construct continuous sidewalks (Sector Plan, page 172).**

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

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



Standard sidewalks exist along the east side of Cipriano Road both to the north and south of the subject site. However, no sidewalk exists along the frontage of the subject site. The MPOT designates Cipriano Road as a "Shared Roadway" for vehicular and bicycle traffic. Therefore, sidewalk construction and the provision of bikeway signage is conditioned along the frontage of the subject application.

It is noted that a fee for the installation of bikeway signage was recommended by the Planning Board as a condition of approval for Special Exception SE-4749. The bikeway signage condition with this PPS is a one-time requirement, to be paid either by condition of SE or PPS.

12. **Transportation**—The findings outlined below are based upon a review of materials and analyses consistent with the "Transportation Review Guidelines, Part 1, 2012" ("Guidelines").

The application is a PPS for the development of 118 multifamily dwelling units for apartment housing for elderly families. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines." This development will be adding 15 (6 in; 9 out) AM peak-hour trips, 19 (12 in; 7 out) PM peak-hour trips. These rates were determined by using the "Guidelines."

The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 193 at Cipriano Road
- Cipriano Road at Good Luck Road
- Cipriano Road at Nightingale Drive-Site Access (unsignalized)

The subject property is located within the Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

**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: (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. A two-part process is employed for all-way stop-controlled intersections: (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. Once the CLV exceeds 1,150 for either type of intersection, this 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.

Although not required due to low trip generation of the proposed use, by a traffic study and updated traffic counts (March 2015) were provided by the applicant. Based on the updated traffic data provided by the applicant, the following was concluded:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
MD 193 @ Cipriano Road	C/1188	B/1147
Cipriano Road @ Good Luck Road	A/951	B/1041
Cipriano Road @ Nightingale Drive-Site Access *	15.4 seconds	15.9 seconds
*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.		

Three background developments whose impact would affect some or all of the study intersections were identified. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
MD 193 @ Cipriano Road	C/1202	B/1167
Cipriano Road @ Good Luck Road	B/1045	B/1130
Cipriano Road @ Nightingale Drive-Site Access *	16.5 seconds	16.4 seconds
*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.		

Using the trip rates from the "Guidelines," the proposed development of 118 multifamily units will generate 15 (6 in; 9 out) AM peak-hour trips, 19 (12 in; 7 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
MD 193 @ Cipriano Road	C/1206	B/1172
Cipriano Road @ Good Luck Road	B/1047	B/1132
Cipriano Road @ Nightingale Drive-Site Access *	19.2 seconds	15.4 seconds
*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.		

The results show that all of the critical intersections for the proposed development will operate acceptably under total traffic conditions.

#### **Department of Permitting, Inspections and Enforcement (DPIE) Review**

The PPS was reviewed the Department of Permitting, Inspections and Enforcement (DPIE). A DPIE memorandum (Giles to Mayah) was received on July 21, 2015. The following represent the salient, traffic-related concern of DPIE:

- A review of the traffic impact study to determine the adequacy of access points and the need for acceleration/deceleration and turning lanes is required.

The provision of acceleration/deceleration lanes will be reviewed by DPIE at the time of access permit. It is noted that adequate right-of-way dedication is proposed to accommodate this improvement, if necessary. One vehicular access driveway is proposed at the existing intersection of Cipriano Road and Nightingale Drive, which is supported. Final location of the driveway, including review for site distance, will be determined by the County.

#### **Glenn Dale-Seabrook and Vicinity Approved Sector Plan Conformance**

The property is located in an area where the development policies are governed by the March 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (SMA). One of the recommendations from the master plan was the upgrade of Cipriano Road to a four-lane collector (C-328). To that end, the preliminary plan of subdivision shows dedication along its frontage which is consistent with the master plan recommendation, which shall be required at the time of record plat.

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, with conditions.

13. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision for elderly housing operated in accordance with State and Federal Fair Housing Law will have no impact on school capacity.
14. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24 122.01(d) and 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Fire/EMS Company 48. This first due response station, located at 8501 Good Luck Road, Lanham, Maryland, is within the maximum seven-minute travel time for both residential and nonresidential land uses.

**Capital Improvement Program (CIP)**

The Capital Improvement Program for Fiscal Years 2015–2020 provides funding for renovating the existing station.

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.”

15. **Police Facilities**—The subject property is located in Police District II, Bowie. 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 on June 9, 2015.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 6/9/2015	5/2015-4/2014	8 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of 10 minutes for emergency calls were met and the 25 minutes for nonemergency calls were met on June 15, 2015.

16. **Water and Sewer Categories**—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 part of this property in water and sewer Category 3, Community System. The site will therefore be served by public water and sewer service. The site is located in Sustainable Growth Tier 1.
17. **Health Department**—The Prince George’s County Health Department has evaluated the PPS and recommends that the applicant remove any trash debris from the site at the time of grading permits. The Prince George’s County Health Department in their referral dated July 16, 2015 (Dawodu to Mayah), indicated that a neighboring property owner indicated concerns regarding stormwater management. As previously discussed, a Stormwater Management Concept Plan (2619-2014-00) has been approved by DPIE to ensure that development of this site does not result in on-site or downstream flooding. Development of this site must be in conformance to that plan or any subsequent versions or revisions.
18. **Public Utility Easements**—In accordance with Section 24-122(a) of the Subdivision Regulations, when PUEs are required by a public utility company, the subdivider should include the following statement 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 PPS correctly delineates a ten-foot-wide public utility easement (PUE) along the public right-of-way as required, which will be reflected on the final plat prior to approval.

19. **Historic**—There is a house, a shed, several concrete pads and a barbeque pit on the subject property. According to tax records, the existing house was built in 1893. The house, known as the “House at Saratoga (PG:70-003),” was first recorded on a Maryland Inventory of Historic Properties form in 1973 and the form was updated in 1985. It is located on a tract of farmland that was known as Cedar Grove or Saratoga that was owned by William Barker in the late nineteenth century. A plat in the deed records attached to a deed from William and Eliza Barker to Clara von Entress, shows the layout of the William Barker farm. Several houses and outbuildings are shown on the larger Barker property that includes the subject property. The existing house on the property was likely built in the 1890s under the ownership of John Schoellkopf or William Watts.

The applicant submitted updated photos of all of the existing structures on the subject property. The current residence on the property is not a historic resource or historic site per the 2010 *Approved Historic Sites and Districts Plan* and is therefore, not subject to Subtitle 29, the Prince George’s County Historic Preservation Ordinance.

A Phase I archeological survey is not recommended on the subject property. 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 due to modern disturbance(s). This proposal will not impact any historic sites, historic resources or known archeological sites.

20. **Use Conversion**—This PPS was analyzed based on the proposal for residential development. The analysis includes access, noise, mandatory dedication, and views of the property, specifically relating to the residential 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 subdivision would be required.
21. At the public hearing on September 10, 2015, in consideration of testimony provided from community members, the Planning Board directed staff to write a letter to the appropriate agencies requesting that review for adequate site distance at the proposed driveway for the development be prioritized throughout the permit review process.

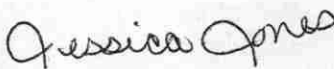
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Bailey, with Commissioners Washington, Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Bailey opposing the motion at its regular meeting held on Thursday, September 10, 2015, in Upper Marlboro, Maryland.

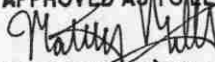
Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of October 2015.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:WM:ydw

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date

9/17/15