

RESOLUTION

WHEREAS, Saint Paul Senior Living Suitland LP is the owner of a 4.72-acre parcel of land known as Parcel 119, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C) and Development District Overlay (D-D-O); and

WHEREAS, on June 23, 2016, Belnor Senior Residences, LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16004 for Belnor Senior Residence 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 December 1, 2016, 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 December 1, 2016, 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 I Tree Conservation Plan TCPI-005-2016, and further APPROVED Preliminary Plan of Subdivision 4-16004, including a Variation from Section 24-121(a)(3) of the Subdivision Regulations for one parcel, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made to the plan:
 - a. Delineate a 10-foot public utility easement along the ultimate right-of-way within the subject site.
 - b. Label the existing water and sewer lines with size and material.
 - c. Label the proposed vaulted water meter with the required Washington Suburban Sanitary Commission right-of-way and show the location outside of any required public utility easement.

- d. Add a general note stating that "A variation to Section 24-121(a)(3) is approved for one point of access to St. Barnabas Road."
 - e. Update the description of the proposed use consistently throughout the plans and other materials submitted regarding the project as "apartment housing for the elderly or physically handicapped."
 - f. Revise Note 5 referencing the earlier approved special exception to indicate

"This SE will be superseded by a future detailed site plan (DSP), the sector plan changed the needed approval for the subject use from a special exception to a permitted use requiring DSP approval."
 - g. Provide a dimension from the centerline of St. Barnabas Road (MD 414) to the limit of the proposed right-of-way dedication (60 feet from center line).
 - h. Revise the labeling of the subject site to indicate the existing property information in a lighter and smaller font and the proposed parcel information in a bolder and larger font. The existing property information shall include Tax Parcel 119.
2. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the Type I tree conservation plan to:
- a. Remove the proposed vinyl fence or replace it by reference to a durable composite material.
 - b. Sign and complete the standard property owner's awareness certificate.
 - c. Show the right-of-way dedication consistent with the PPS and revise the gross tract area provided in the woodland conservation worksheet to reflect the area of proposed Parcel 1.
3. Total development shall be limited to uses that would generate no more than 16 AM and 19 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
5. Development of this site shall be in conformance with Stormwater Management Concept Plan 35904-2014-00 and any subsequent revisions.

6. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreational Facilities Guidelines*.
7. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) for the construction of recreational facilities to the Development Review Division for approval prior to submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio shall be reflected on the final plat prior to recordation.
8. At the time of detailed site plan (DSP), the applicant shall:
 - a. Provide an exhibit that illustrates the location and limits of all off-site improvements proffered in the bicycle and pedestrian impact statement (BPIS) for the review and approval of the operating agencies. This exhibit shall show the location of all off-site pad or bus shelter installation, as well as any other associated improvements. If it is determined at the time of DSP that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section 24-121.01(d) of the Subdivision Regulations, be within one-half mile walking or bicycle distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section 24-124.01(c) of the Subdivision Regulations. The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of preliminary plan of subdivision.
 - b. Provide one sidewalk connection linking the sidewalk within the public right-of-way along St. Barnabas Road (MD 414) to the sidewalk along the front of the proposed building.
 - c. Allocate appropriate and developable areas for the private recreational facilities within the common open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy, property siting, and establish appropriate triggers for construction.
 - d. Provide the specimen tree variance request if necessary and include a condition analysis of all trees proposed to be removed and all trees that are proposed to have their critical root zones impacted that are to remain, in accordance with methods presented in The Guide to Plant Appraisal prepared by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. The condition analysis shall be used to review the variance request.
9. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Dedicate public right-of-way of 60 feet from the center line of St. Barnabas Road (MD 414) along the property frontage.

- b. Provide a plat note indicating the Planning Board's approval of a variation from Section 24-121(a)(3) of the Subdivision Regulations for one point of access on St. Barnabas Road (MD 414).
- c. Dedicate a 10-foot-wide public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision or submit a variation request from Section 24-122(a) of the Subdivision Regulations, in accordance with Section 24-113, with the final plat for review and approval by the Planning Board, subject to the concurrence of all of the affected utility companies that a PUE is not required.
- d. Described the conservation easement by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

- 10. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below or as modified by DPW&T/DPIE/DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. One off-site bus shelter installation along the east side of St. Barnabas Road (MD 414).
- 11. 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 issuance of building permits. The recreational facilities to be required shall be determined with the full review of the detailed site plan.
- 12. At the time of building permit issuance, applications for building permits shall include a certification prepared by a professional engineer with competency in acoustical analysis. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65 dBA Ldn or higher noise impact area.

13. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI-005-16). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI-005-16), 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 and Wildlife Habitat 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, Prince George's County Planning Department."

14. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."

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 the east side of St. Barnabas Road (MD 414), approximately 1,100 feet north of the intersection of Branch Avenue (MD 5) and MD 414. The subject property is currently vacant and has not been the subject of a previously approved preliminary plan of subdivision (PPS) or final plat. This PPS includes tax Parcel 119, which is 4.72 acres and located in the Commercial Shopping Center (C-S-C) and Development District Overlay (D-D-O) zones. The application includes one parcel for the construction of a 122-unit multifamily building for the elderly, which is a permitted use, subject to specific findings in the underlying zone. A detailed site plan (DSP) will be required for the development of this site in accordance with the requirements of the underlying D-D-O Zone.

The subject site fronts on St. Barnabas Road, a master plan arterial (A-45) with an ultimate right-of-way width of 120 feet. Section 24-121(a)(3) of the Subdivision Regulations states that "When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road." The

applicant requested approval of a variation for one direct vehicular access driveway from the subject property to St. Barnabas Road. The Planning Board approved the variation as set forth herein.

3. **Setting**—The property is located on Tax Map 88, Grid C-1/C-2, in Planning Area 76A. and is zoned C-S-C and D-D-O. Development surrounding this site is also within the D-D-O Zone and include St. Barnabas Road (MD 414) to the west; single-family detached and attached dwellings in the Multifamily Low Density Residential Condominium (R-30C) Zone to the south and east; multifamily development in the Multifamily Medium Density Residential (R-18) Zone to the northeast; and commercial development in the C-S-C Zone to the north.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

| Zone Use(s) | EXISTING C-S-C/D-D-O | APPROVED C-S-C/D-D-O |
|------------------------------|-------------------------|---|
| | Vacant | Residential (Multifamily Senior Housing) |
| Acreage | 4.72 | 4.72 |
| Lots | 0 | 0 |
| Outlots | 0 | 0 |
| Parcels | 1 | 1 |
| Dwelling Units: | 0 | 122 |
| Public Safety Mitigation Fee | No | No |
| Variance(s) | No | **No |
| Variation | No | Yes (24-121(a)(3)) |

Note: ** A variance from Section 25-122(b)(1)(G) for the removal of specimen trees was withdrawn from the PPS and has been submitted for review with the DSP.

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 15, 2016. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on July 30, 2016 and was heard at the SDRC meeting on August 8, 2016, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—On January 12, 1987, the Prince George's County District Council approved Zoning Map Amendment A-9600 to rezone the property from Commercial Office (C-O) to C-S-C, with no conditions. The property has retained its C-S-C zoning since that time. On December 4, 2001, the Zoning Hearing Examiner approved Special Exception SE-4371, a special exception application for the construction of apartment housing for the elderly on the subject property. The same use was evaluated for the subject site with this application though a special exception approval is no longer required.

6. **Community Planning**—In accordance with Section 24-121(a)(5) of the Subdivision Regulations, the development is consistent with the *Plan Prince George's 2035 Approved General Plan* (General Plan) policies for established communities. Although the General Plan makes no relevant recommendations influencing a development application on this property, it describes that Established Communities should have context-sensitive infill and low- to medium- density development.

The site is in the C-S-C Zone and located in the D-D-O Zone for the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Sector Plan and SMA). The sector plan retained the property's C-S-C zoning and, while it recommends commercial land use for commercially-zoned properties, the use table adopted by the District Council permits apartment housing for the elderly in the C-S-C Zone within the D-D-O Zone area, subject to certain general special exception standards as stated in Prince George's County Council Resolution CR-10-2014. Apartment housing for the elderly previously required the approval of a special exception. However, the goals and purpose of the permitted uses set forth in the sector plan by CR-10-2014 are described as follows:

Uses that would normally require a special exception in the underlying zone are permitted uses if the development district standards so provide, subject to site plan review by the Planning Board. Development district standards may restrict or prohibit such uses. The Planning Board shall find in its approval of the site plan that the use complies with all applicable development district standards, meets the general special exception standards in Section 27-317(a)(1), (4), (5), and (6), and conforms to the recommendations in the sector plan. These uses have been identified with the notation "P*" within the tables of uses permitted. Development district standards may not allow uses prohibited in the underlying zone.

The Planning Board finds (Section 24-121(a)(5)) that events have occurred to render the relevant plan recommendation of commercial use no longer appropriate, since it does not currently match the zoning which permits the applicant's proposed use. The applicable special exception standards will be further evaluated at the time of DSP review.

The PPS conforms to the General Plan and the Southern Green Line Station Area Sector Plan.

7. **Stormwater Management**—A Stormwater Management Concept Plan, 35904-2014-00, was approved for this site on February 11, 2015. The concept plan shows stormwater to be directed to several micro-bioretenment facilities on-site and pervious pavement to be used for approximately 87 parking spaces.

Development must be in conformance with that approved plan or subsequent revisions to ensure that development does not result in on-site or downstream flooding.

8. **Parks and Recreation**—The development is subject to provide mandatory parkland dedication in accordance with Section 24-134 of the Subdivision Regulations. The Planning Board approves the use of private on-site recreational facilities to satisfy the mandatory parkland dedication requirement, in accordance with Section 24-135(b) of the Subdivision Regulations. The Planning Board finds that the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facility agreement (RFA), being legally binding upon the subdivider and his heirs, successors, and/or assignees.

The applicant provided conceptual information for the private recreational facilities that will be constructed within the development and available to the residents. The list of amenities includes walking trails, sitting areas, greenhouse, and putting green. Private on-site recreational facilities are acceptable, given the proposed use of the property, and will be adequate to serve the development in-lieu of the mandatory parkland dedication requirement.

However, the outdoor recreational facilities for the project include almost exclusively passive recreational facilities. The recreational facilities may be expanded to include active, as well as, passive recreational facilities at the time of DSP, and may be further expanded to include some indoor recreational facilities.

At the time of DSP, appropriate triggers shall be established for the construction of the private on-site recreational facilities.

9. **Trails**—This PPS application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. Due to the site's location in the Branch Avenue Corridor, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2, 2013" at the time of PPS. The following findings are based upon a review of the submitted bicycle and pedestrian impact statement (BPIS) and the PPS.

The site is covered by the MPOT and the Southern Green Line Station Sector Plan and SMA. There is one master plan trail issue identified in both the MPOT and the Sector Plan that impacts the subject site. Continuous sidewalks and designated bicycle lanes are recommended along St. Barnabas Road. The MPOT makes the following recommendations for St. Barnabas Road:

- St. Barnabas Road Sidewalks and Bike Lanes: Provide continuous standard or wide sidewalks with designated bike lanes. Pedestrian amenities and safety features should also be included as part of any frontage improvements or road improvement projects. Any comprehensive improvement projects should include discussions with area businesses to consolidate access points in order to improve safety for pedestrians, bicyclists, and motor vehicles (page 22).

The sidewalk along the site's frontage of St. Barnabas Road does not meet current County specifications and standards. Per conversations with the Department of Permitting, Inspections and Enforcement (DPIE), this sidewalk will be reconstructed as part of the site's frontage improvement within the public right-of-way.

The Complete Streets section of the MPOT 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.

Currently, standard sidewalks exist along St. Barnabas Road, including the frontage of the subject site. However, this sidewalk is extremely narrow and does not appear to meet current road specifications and standards. Based on discussions at the SDRC meeting on August 8, 2016, representatives from DPIE stated that they will require that the sidewalk along the site's frontage be reconstructed to meet current County specifications and standards as part of the access permit requirements.

Proposed On-Site Bicycle and Pedestrian Improvements

Consistent with the policies of the MPOT, the Planning Board supports DPIE's recommendation for the reconstruction of the sidewalk along the subject site's frontage of St. Barnabas Road in order to meet current specifications and standards, as well as improve the pedestrian environment. Bicycle parking is also encouraged at a location convenient to the building entrance, which will be further evaluated at the time of review of the DSP.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within a designated corridor, the application is subject to Prince George's County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) of the Subdivision Regulations includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby**

destination, including a public school, park, shopping center, or line of transit within available rights of way.

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the improvements is calculated according to Section 24-124.01(c) as follows:

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

Based on the above requirement, the 122 multifamily dwelling units result in a cost cap for the site of \$36,600.

Section 24-124.01 also provides specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, as follows:

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 2. **installing or improving streetlights;**
 3. **building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 4. **providing sidewalks or designated walkways through large expanses of surface parking;**
 5. **installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
 6. **installing street trees.**

The required BPIS was submitted on July 14, 2016. A GIS map was compiled for the vicinity of the site showing existing and planned bicycle and pedestrian facilities within a one-half mile radius of the subject site, as well as potential pedestrian destinations that future residents and guests of the site may use. This map indicates that both St. Barnabas Road and Silver Hill road are designated as master plan sidewalk and bike lane corridors.

Also, the map shows the relation of the site to the Suitland Metro and the existence of several bus stops in close proximity to the site.

Compliance with Section 24-124.01 and the Transportation Review Guidelines, Part 2, 2013
Due to the site's location in the Branch Corridor, it is subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013" at the time of PPS. The required BPIS has been submitted. The proffered off-site improvements were included in the BPIS as follows:

One bus shelter installation. The shelter is proposed at an existing stop along St. Barnabas Road, on the east side of the road across from the entrance to Marlow Towers.

Because the subdivision proposes 122 multifamily residential units, the cost cap is \$36,600. The applicant's proffered package of improvements includes one off-site bus shelter for the required off-site improvements. Given the existing sidewalks in the area and the nature of the use, bus shelter improvements in the vicinity of the site are appropriate off-site improvements. As noted in the BPIS and the attached BPIS map, there are existing sidewalks along both sides of the major roads in the vicinity of the subject site. These roads include St. Barnabas Road and Silver Hill Road (MD 458). These sidewalks provide a complete pedestrian connection from the subject site to the Suitland Metro Station. Pedestrian crossings are few, but two signalized crossings with pedestrian signals are located along MD 458 to accommodate pedestrians walking to the Metro station. These crossings are located at the entrance to the Suitland Metro Station and at the Silver Hill Road/St. Barnabas Road intersection. The Maryland State Highway Administration (SHA) has provided shared-lane markings (or sharrows) along MD 458.

A bus shelter installation is an appropriate off-site improvement for the subject site. Sidewalks exist between the site and the Suitland Metro Station, as well as the surrounding bus stops. However, shelters are lacking at many of the stops, including the two closest to the subject site. The bus shelter improvement can be implemented at a stop along St. Barnabas Road within walking distance of the site, or other location deemed appropriate by the Prince George's County Department of Public Works and Transportation, Office of Transit.

Demonstrated nexus between the subject application and the off-site improvements
Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance**

of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.

Demonstrated Nexus Finding: The off-site bus shelter will improve transit accommodations for the future residents of the subject site and in the immediate vicinity of the subject application. The bus shelter installation will take place at the existing bus stop closest to the subject site. This location is within one-half mile of the site and will be easily accessible to the future residents of the subject property.

Finding of Adequate Bicycle and Pedestrian Facilities

Section 24-124.01 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. More specifically, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
 - 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
 - b. the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

Per the recommendation of DPIE, the applicant will be reconstructing the sidewalk along St. Barnabas Road to meet current specifications and standards for width and accessibility. One additional sidewalk connection shall connect the building with the sidewalk along St. Barnabas Road. As indicated on the BPIS map, a complete sidewalk connection exists from the subject site to the Suitland Metro Station. However, much of this connection is narrow, immediately against the curb, and lacking a buffer from the travel lanes. The frontage improvements by the applicant and the off-site bus shelter will improve the environment for pedestrians in the immediate vicinity of the subject site by bringing the sidewalk to current width and accessibility standards, and will also improve the conditions for transit users by providing a shelter at an existing stop.

2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. **the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - b. **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
 - c. **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
 - d. **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The MPOT and sector plan recommend designated bicycle lanes along St. Barnabas Road. Currently, in the vicinity of the subject site, the state has placed shared-lane markings along some segments and designated bicycle lanes along others, consistent with the latest SHA Bicycle Policy and Design Guidelines. St. Barnabas Road does not currently have on-road bicycle facilities. In order to provide either designated bicycle lanes or shared-lane markings along St. Barnabas Road, it appears that a mill and overlay would be necessary, which would put the project well beyond the cost cap for off-site improvements for the subject application.

The subject site will have adequate public pedestrian and bikeway facilities in accordance with Section 24-121.01 of the Subdivision Regulations.

10. **Transportation**—The site has never been the subject of an approved PPS and, therefore, there are no underlying transportation conditions. The development includes a 122-unit apartment building for the elderly. Traffic counts for the development were submitted by the applicant and reviewed for the site.

Traffic Analysis

The application is supported by traffic counts (August 2016) provided by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted consistent with the "Transportation Review Guidelines, Part 1, 2012" (Guidelines).

The subject property is located within Transportation Service Area (TSA) 1, as defined in the General Plan. 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;

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.

It is anticipated that fewer than 50 trips would be generated during either peak hour, consequently, a traffic study was not requested. However, the applicant was required to provide a peak hour turning movement count. The traffic data was evaluated under various traffic scenarios. Based on the traffic data provided by the applicant, the following has been concluded:

| EXISTING CONDITIONS | | |
|---|-----------|-----------|
| Intersection | AM | PM |
| | (LOS/CLV) | (LOS/CLV) |
| Silver Hill Road (MD 458) & St. Barnabas Road (MD 414). | A/850 | D/1360 |

In researching the Planning Department's PGATLAS database, one approved development with a trip cap of nine trips during the AM and PM peak hours was identified. In evaluating the annual average daily traffic (AADT) along St. Barnabas Road (MD 414), it was determined that there was no discernable growth along the link of the road in the immediate vicinity of the site based on the most recent 10 years of data. Based on the one background development, the levels of service were computed as follows:

| BACKGROUND CONDITIONS | | |
|---|-----------|-----------|
| Intersection | AM | PM |
| | (LOS/CLV) | (LOS/CLV) |
| Silver Hill Road (MD 458) & St. Barnabas Road (MD 414). | A/850 | D/1361 |

Regarding the total traffic scenario, trip generation rates were applied for the senior residence based of the Planning Department's guidelines. It was determined that a 122-unit apartment complex would generate 16 (6 in, 10 out) AM peak-hour trips and 19 (12 in, 7 out) PM peak-hour trips. Based on this traffic projection, a second analysis based on the total traffic scenario was undertaken. The results are as follows:

| TOTAL CONDITIONS | | |
|---|-----------|-----------|
| Intersection | AM | PM |
| | (LOS/CLV) | (LOS/CLV) |
| Silver Hill Road (MD 458) & St. Barnabas Road (MD 414). | A/852 | D/1363 |

The critical intersection identified, when analyzed with the total future traffic as developed using the "Guidelines," was found to be operating at, or better than, the policy service level defined above.

Site Access Evaluation

The site's only frontage and access will be on St. Barnabas Road (MD 414), a planned four- to six-lane arterial road. While the frontage of the property exceeds 450 feet, it is not long enough to provide two points of ingress/egress. Additionally, MD 414 is a divided road along the site's frontage, and it is unlikely that SHA will allow any break in the median. Consequently, the site will be served by a right-in/right-out access only. Despite the single point of access, the proposed layout will provide adequate on-site circulation.

Variation Request

A variation to Section 24-121(a)(3), which restricts access to roads of arterial and higher classification, was requested since the only frontage and access to the site is on an arterial roadway (St. Barnabas Road). The approval of a variation is subject to the findings of Section 24-113 as set forth below.

Right-of-way

The property is located in an area where the development policies are governed by the MPOT, as well as the Southern Green Line Station Sector Plan and SMA. One of the recommendations from the MPOT was the upgrade of St. Barnabas Road (MD 414) to a four- to six-lane Arterial (A-45). The section of MD 414 along the site's frontage is currently improved with a four-lane arterial road, with the subject property being currently located 45 feet from the center line. Based on the sector plan, right-of-way dedication of 60 feet from the current center line of MD 414 shall be provided, which is correctly reflected on the PPS.

Adequate transportation facilities will exist to serve the subdivision as required in accordance with Sections 24-123 and 24-124 of the Subdivision Regulations.

11. **Variation**—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be designed to front on either an interior street or service road. This design guideline requires that an applicant develop alternatives to direct access onto an arterial or higher classification roadway.

Section 24-121. Planning and design requirements.

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
 - (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they *shall* be designed to front on either an interior street or a service road.**

The site's only road frontage is on St. Barnabas Road (MD 414), a master plan arterial roadway (A-45) under the authority of State Highway Administration (SHA). The applicant intends to provide one vehicular access for ingress and egress to the site via MD 414, a planned 120-foot-wide public right-of-way, which requires the approval of a variation to Section 24-121(a)(3) of the Subdivision Regulations. The variation request was submitted by the applicant on July 30, 2016, in accordance with Section 24-113. The appropriate location of the access will be determined by SHA at the time of access permit review.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation request:

Section 24-113 Variations

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The subject property has frontage on the east side of St. Barnabas Road with two existing curb cuts currently providing access to the subject property. However, the applicant intends to utilize only one point of access, which will be centrally located along the site's MD 414 frontage, to serve the development for the site, an overall reduction in the number of driveways. The access driveway will provide right-in/right-out turning movements to the subject site, given the existing median which currently prevents left turning movements to the site. The access will not block, obstruct, or impede access to any other property. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property. Moreover, any access permits will be required to be approved by the operating agency (SHA).

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

The shape of the subject property is irregular when compared to the surrounding properties, having approximately 480 feet of frontage along St. Barnabas Road (western property line) and tapering back to 162 linear feet along the western property line. The western portion of the site is encumbered by regulated environmental features, including steep slopes, which further isolates development of the property towards MD 414. Moreover, the abutting residential properties are all provided access via interior or private street connections. However, the surrounding developed properties do not include any interior or service road connections to the subject property. Therefore, the conditions on which the variation is based are unique to this property.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The applicant will also be required to obtain an access permit from SHA for the location and design of the access.

This PPS and variation request for access from St. Barnabas Road was referred to SHA. SHA offered comments indicating that frontage and off-site improvements will require an SHA access permit. The access location and design will be further reviewed and determined by SHA at the time of permit review.

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

The topography of the subject site is such that there is an approximate 26-foot grade difference from the western part of the property along St. Barnabas Road to the eastern boundary of the property, with slopes greater than 25 percent being located within the eastern portion of the site. In addition, the subject site is surrounded by existing developed properties, which do not provide planned street connections to the subject site. The only reasonable access to the site is from MD 414. If the variation was not approved, the applicant would lack the ability to develop the site indefinitely, subject to the availability of suitable land for purchase in order to provide an alternative road connection to the site, resulting in a hardship to the owner. Further, the transportation analysis provided with this application finds that adequate access will exist given the proposed access on St. Barnabas Road.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned C-S-C; therefore, this provision does not apply.

The variation request is supported by the required findings. The site shall be limited to one point of vehicular access to St. Barnabas Road which will provide ingress and egress to the subject site. Approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to provide consolidated points of access along arterial roadways and ensure a hierarchical street system.

Therefore, the Planning Board approves the variation to Section 24-121(a)(3) of the Subdivision Regulations for one point of vehicular access to St. Barnabas Road (MD 414).

12. **Schools**—This PPS was 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, is exempt from a review.
13. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

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 calls for service during the preceding month."

The project is served by West Lanham Hills Fire/EMS, Company 48, a first due response station (a maximum of seven minutes travel time), located at 8501 Good Luck Road.

Capital Improvement Program (CIP)

The Prince George's County Capital Improvement Program for Fiscal Years 2016–2021 provides funding for relocation in the area of Silver Hill Road (MD 458) and St. Barnabas Road (MD 414). 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."

14. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Maryland-National Capital Park and Planning Commission (M-NCPPC), Planning Department, on June 23, 2016.

| Reporting Cycle | Previous 12 Month Cycle | Emergency Calls | Nonemergency Calls |
|------------------------------|-------------------------|-----------------|--------------------|
| Acceptance Date 6/23/2016 | 12/2015-1/2015 | 7 minutes | 15 minutes |
| Cycle 1 | | | |
| Cycle 2 | | | |
| Cycle 3 | | | |

Based on the most recent available information as of December, 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls, were met on June 23, 2016.

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

The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System. However, the Department of the Environment has indicated that the existing water and sewer Category 3 for the subject property is currently dormant. A dormant Category 3 is considered to be a Category 4 and will be required to receive renewed Category 3 approval prior to approval of a final plat.

The property is within Tier 1 under the Sustainable Growth Act and will, therefore, be served by public systems. Existing water and sewer lines are available to serve the subject site. However, The Washington Suburban Sanitary Commission (WSSC) has indicated that the wastewater treatment facility serving this site, Broad Creek, is currently at capacity and is proposed for improvement. The ability of the applicant to proceed with approval of a final plat and building permit is dependent on the improvements to the Broad Creek facility being completed, but does not preclude the applicant’s ability to obtain approval of this application. The existing water and sewer lines shall be labeled with size and material on the PPS. The proposed vaulted water meter shall be labeled with the required WSSC right-of-way and shown outside of any required public utility easement on the PPS.

16. **Use Conversion**—The total units included in this PPS is 122 multifamily dwellings for the elderly in the C-S-C and D-D-O zones. If a substantial revision to the mix of uses on the subject property is proposed, including a commercial land use that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
17. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, 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 PPS shall be revised to delineate a 10-foot-wide public utility easement along the public right-of-way of St. Barnabas Road (MD 414) as required, which will also be required to be reflected on the final plat prior to approval.

18. **Historic**—There are no existing structures on the 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. This approval will not impact any historic sites, historic resources, or known archeological sites.
19. **Environmental**—The subject site was previously reviewed for a Natural Resources Inventory (NRI-123-14), which was issued on August 19, 2014.

Proposed Activity

The current application is for the creation of one parcel for elderly use in the C-S-C Zone for a total of 122 senior housing apartments.

Grandfathering

The project is subject to the requirements of Subtitle 24, Subdivision Regulations; Subtitle 25, Woodland and Wildlife Habitat Conservation Ordinance; and Subtitle 27, Zoning Ordinance, that became effective September 1, 2010 because the application is for a new PPS.

Site Description

The site is located on the east side of St. Barnabas Road (MD 414), north of Belnor Lane. The overall site contains 4.72 acres and is zoned C-S-C. According to the approved NRI-123-14, 4.59 acres of woodlands exist on-site. A review of the available information identified that regulated environmental features such as areas of steep slopes, streams and associated buffers, and primary management area (PMA) exist on-site; however, other regulated features such as areas of wetlands, wetland buffers, and 100-year floodplain are not present on-site. This site is outside of the Chesapeake Bay Critical Area. This site is located in Henson Creek, which drains into the Potomac River Basin. The site is not located in a stronghold watershed. 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 Croom-Marr Complex (10–15 percent slopes), Croom-Marr Urban Land Complex (5–15 percent slopes), Sassafras Urban Land Complex (5–15 percent slopes), and Urban Land-Sassafras Complex (0–5 percent slopes). According to available information, neither soils containing Marlboro clay nor soils containing Christiana complexes are found on this property. This site is not within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. The approved NRI indicates that no forest interior dwelling species (FIDS) habitat is located on-site. None of the streets that the site fronts on have a historic or scenic designation. The site fronts St. Barnabas Road, which is identified as an arterial roadway. St. Barnabas Road is a traffic noise generator.

According to the 2005 *Approved Countywide Green Infrastructure Plan* (Countywide Green Infrastructure Plan), the site includes regulated and network gap areas.

Plan Prince George's 2035 Approved General Plan (2014):

Prior to submittal of the current application a new general plan was adopted by the District Council. The site is now located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by the General Plan.

Conformance with the 2010 Approved Water Resources Functional Master Plan

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, floodplain and woodland conservation, and programs implemented by DPIE, the Prince George's County Department of Health, the Prince George's County Department of Environmental Resources, the Prince George's Soil Conservation District, M-NCPPC, and WSSC are also deemed to be consistent with this master plan.

Sector Plan Conformance

The project area is located within the Southern Green Line Station Sector Plan and SMA. In the sector plan, there are no environmental infrastructure recommendations or guidelines. The woodland conservation, regulated environmental features, and noise will be discussed in the Environmental Review section below.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

Approximately two thirds of the site is within the green infrastructure network and contains regulated and network gap areas. The regulated areas are associated with the stream system which runs along the eastern boundary of the site. The network gap area is centrally located on the property and entirely consists of woodland. To find conformance with the 2005 *Approved Countywide Green Infrastructure Plan*, the Planning Board must find that the Type I tree conservation plan (TCPI) adequately addresses the following policies, applicable to the current project:

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.

Note that the 2002 General Plan has been superseded by Plan Prince George's 2035.

The TCPI shows preservation of the majority of the regulated area, with the exception of two impacts associated with stormwater outfall structures, which is consistent with the approved Stormwater Management Concept Plan (35904-2014-00).

Most of the network gap will be developed to accommodate the proposed building, along with associated stormwater management structures, parking, and circulation.

A statement of justification has been received for the proposed impacts to the stream buffer within the PMA. These impacts are discussed in detail below.

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

The current project has a valid stormwater concept plan approved under the current stormwater regulations by DPIE.

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

The current General Plan designates the site within ESA 1 (formerly the Developed Tier). The TCPI proposes to preserve 1.08 acres of existing woodland, which includes most of the regulated area.

An additional 0.06 acre of woodlands is being retained, but not credited across the regulated and network gap areas.

Natural Resources Inventory

A signed Natural Resources Inventory (NRI-123-14), which included a detailed forest stand delineation, was submitted with the application. The site contains areas of steep slopes, streams with associated buffers, and PMA. No other regulated environmental features exist on this site according to available data. This site contains 4.59 acres of existing woodlands, and 10 specimen trees.

No additional information is required with regard to the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCPI-005-16) was submitted with the PPS application.

The site has a woodland conservation threshold of 15 percent or 0.71 acre. According to the worksheet, the cumulative woodland conservation requirement based on the total clearing of 3.46 acres for this project is 1.57 acres. The TCPI meets this requirement with 1.06 acres of on-site preservation and 0.51 acre of off-site woodland conservation credits.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

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 County Code effective on September 1, 2010.

A Subtitle 25 Variance Application and a statement of justification in support of a variance dated September 7, 2016 were received. This statement of justification submitted gives the rationale of each tree's removal; however, a condition analysis of each tree was not provided. A condition analysis is required before a full review of the variance request can be performed.

The specimen tree table on the TCPI shows the removal of four of the ten on-site specimen trees. Two of the proposed specimen trees to be saved are within an area of woodlands preserved, but not credited, located along the northern property boundary. Since significant amounts of critical root zone are being removed from each of these trees, the condition of these trees will need to be evaluated to see if the trees are healthy enough to be credited as "Specimen Tree/Historic Tree Credit" in the woodland conservation worksheet in order to meet more of the woodland conservation requirement on-site.

Due to the incomplete variance request, the variance cannot be approved at this time because a full review cannot be completed based on the information submitted. Therefore, the applicant has withdrawn the variance. The variance request shall be evaluated at the time of DSP review, which is provided for in Subtitle 25.

Preservation of Regulated Environmental Features/Primary Management Area

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 the County Code.

The site contains regulated environmental features. According to the PPS and the site development concept plan, impacts to the 100-year floodplain are proposed for two stormwater management outfalls, a sewer connection, and associated piping. A statement of justification has been received for the proposed impacts to an existing stream buffer and areas of steep slopes, which are within the PMA.

Statement of Justification

The statement of justification and included exhibits comprise a request for two impacts referred to as **Impacts A and B** to the PMA, totaling approximately 7,539 square feet on-site. Impact A is 1,311 square feet of PMA and stream buffer disturbance for the installation of an outfall serving stormwater management devices. Impact B is 3,279 square feet of PMA and 2,949 square feet of stream buffer disturbance for installation of a second outfall serving stormwater management devices and a proposed sewer connection to the sewer system.

Analysis of Impacts

The area of PMA consists of an existing stream with its associated buffer and areas of adjacent steep slopes.

Impacts associated with grading and installation of the stormwater outfall and associated piping in Impact A are confined to the edge of the PMA and are necessary to allow proper drainage of each stormwater management device into the stream as required. Stormwater will be treated prior to discharge through a series of micro-bioretenion areas. This PMA impact associated with Impact A is needed to properly implement the stormwater management system on-site.

Similarly, the impacts associated with grading and installation of the stormwater outfall and associated piping in Impact B are also needed. The closest existing sewer manhole to connect the proposed sewage line with is on adjoining Parcel A. There are other manholes and alternative locations for hooking up the proposed sewage line; however, these alternative routes would most likely result in additional grading and impacts within the PMA. Due to the site limitations for sewage connectivity, the PMA impacts associated with Impact B are necessary for stormwater and sewage management associated with the proposed development.

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 site development concept plan and the unusual development restraints of this property. The Planning Board approves PMA Impacts A and B.

Noise

The site is adjacent to St. Barnabas Road (MD 414). According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is located approximately 155 feet from the centerline of MD 414; however, this contour is shown incorrectly at 150 feet from the centerline on the TCPI. The TCPI shall be revised to show the correct location of the 65 dBA Ldn per the Environmental Planning Section's noise model.

For clarification, the Ldn reflects the average noise level measured over a 24-hour period, with a 10 dBA penalty for nighttime.

The subject site is proposed to be constructed with a building for 122 elderly housing apartments. The western corner of the proposed residential building will be affected by a noise level of 65 dBA Ldn or higher. It is recommended that residential structures be mitigated to provide an interior noise level of 45 dBA Ldn or less. The siting of recreational facilities should also be evaluated for noise mitigation if located within the unmitigated 65 dBA Ldn noise contour at the time of DSP review.

Fencing

A vinyl fence is indicated on the TCPI submitted for the project. Hardscape for the project, including fences, will be evaluated at time of DSP. The fence shall be removed from the plan as it is not germane to the approval or, if an indication of a fence is to remain on the TCPI, the specification for the fence shall be changed to a durable composite material.

20. **Urban Design**—In accordance with the approved sector plan, DSP approval is required for this development. Detailed Site Plan DSP-16026 has been accepted for the subject site, is currently under review, and tentatively scheduled for a Planning Board hearing on December 15, 2016. The PPS indicates the proposed use as a "Senior Living Center," which is not a permitted use or a defined term in the Zoning Ordinance or sector plan, whereas, "Apartment housing for the elderly or physically handicapped" is and shall be utilized consistently on all submitted plans. The sector plan does not contain development district standards for the areas covered by the sector plan that do not lie within one-half mile of a Metro station, therefore, the requirements of the Zoning Ordinance for the underlying zoning (in this case, the C-S-C Zone) will apply at the time of DSP review.

The site will also be subject to the Landscape Manual and Tree Canopy Coverage Ordinance. Conformance with the applicable sections of the Landscape Manual and Tree Canopy Coverage Ordinance will be reviewed at time of DSP.

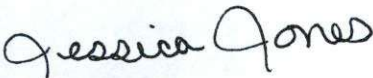
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent, at its regular meeting held on Thursday, December 1, 2016, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 15th day of December 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SC:rpg

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 12/7/16