

R E S O L U T I O N

WHEREAS, Mighty Wind Ministries is the owner of a 4.85-acre parcel of land known as Parcel 123, Tax Map 161, Grid D-1 said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 10, 2000, Mighty Wind Ministries filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 Parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00038, Believer's Victory Church, 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 7, 2000, for its review and action in accordance with Article 28, Section 7-116, 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, with conditions of the application with conditions; and

WHEREAS, on December 21, 2000, 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 the Type I Tree Conservation Plan (TCPI/26/00), and further APPROVED Preliminary Plat of Subdivision 4-00038, Believer's Victory Church, Parcel "A," with the following conditions:

1. Prior to final plat any abandoned well shall be backfilled and sealed in accordance with COMAR Regulations 26.04.04 by a licensed well driller or witnesses by a representative of the Health Department.
2. Prior to signature approval the preliminary plat shall be revised as follows:
 - a. To graphically depict the 10-foot Public Utility Easement or to include a note referencing this easement.
 - b. To revise the existing water sewer category to the 4C designation.
 - c. Remove reference to a 35-foot floodplain buffer.
 - d. To provide a general note providing the gross site area and net tract area exclusive of right-of-way dedication.

- e. To reflect the approval number for the stormwater concept plan.
 - f. Remove reference to Parcel ■B.●
 - g. Remove reference to a 100 year floodplain buffer.
3. Development of this site shall be in conformance with the approved stormwater concept plan Concept #8003770-2000-00.
4. A Conservation Easement shall be described by bearings and distances on the final plat. The conservation easement shall contain all of the 100-year floodplain and stream buffers and be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the final plat:
- "Conservation Easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
5. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/26/00). The following note shall be placed on the Final Plat of Subdivision:
- Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/26/00), or as modified by the Type II Tree Conservation Plan, and precludes and disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Preservation Policy.●
6. Prior to final plat approval the rights of the properties which may have dominant tenement over Parcel ■A.● (existing Parcel 123) for access shall be identified. Appropriate measures which provide for those rights shall be instituted.

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, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The property is located at the northwest corner of the intersection of MD 210 Service Road and Manning Road West, northwest of MD 210.
- 3. The site is currently vacant. However, based on aerial photographs and a site plan submitted by the applicant, the property is burdened by an access easement and a separate driveway

serving adjoining properties. Further research in the form of title searches and correspondence with adjoining property owners will be necessary to determine the full extent of the encumbrances. Staff would note that the development potential of this property could be altered from the current configuration as a result of discovery generated by additional research. The configuration of the proposed development of this property is not the subject of this preliminary plat application.

The aerial photograph for Parcel 123, the subject site, and the surrounding lots clearly shows an access driveway burdening Parcel 123. The driveway is shown running west from Manning Road through the subject site further west over Parcel 59 to serve Parcel 22. However, several deeds provided by the applicant for the subject property (Parcel 123), Parcel 59, and Parcel 22 do not provide any reference to prescriptive or descriptive easements rights for any of the affected properties.

Further, the site plan submitted by the applicant delineates both the driveway as depicted on the aerial photograph described above and an existing 30-foot wide right-of-way along the north property line. Reference to this 30-foot right-of-way was found in only one deed provided by the applicant which was for Parcel 59, Liber 3122 Folio 492 dated 1965. However, the deed does not describe the extent of the easement nor does it identify any benefitted property. Reference to the right-of-way was used for boundary location information only in that deed.

Several of the adjoining properties are land locked. Staff believes it essential and prudent to explore to a reasonable extent the impact of development of this property on those adjoining properties. A determination as to which properties may have dominant tenement over Parcel 123 for access is essential prior to the final platting of this property. Consultation with the Associate General Council in the review and evaluation of additional information will help to preserve any right and privilege enjoyed by the adjoining property owners.

4. This site is subject to the provisions of the Woodland Conservation Ordinances because the site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. The proposed Tree Conservation Plan, TCP I/26/00 proposes to meet the minimum required woodland conservation on-site and on and adjacent property to the west, Parcel 23. The property being used for off-site tree conservation, Parcel 23 was recently purchased by the applicant. TCP I/26/00 has been reviewed and is recommended for approval.

The site contains significant natural features, which are protected under Section 24-130 of the Subdivision Regulations. A conservation easement should be established for the protection of the environmental features at the time of final plat. The conservation easement should contain all 100-year floodplain and stream buffers.

The soils on site pose no special problems for development. There are no designated Historic or Scenic roads associated with this proposal however, there are noise impacts associated with MD 210 and a residential use is discouraged.

The property is in Water and Sewer Category 4C and will be served by public systems.

5. The 1993 *Master Plan for Subregion V* land use recommendation for the subject site is Low Suburban residential. The proposed subdivision is located in the Accokeek Development Review District and the plan was referred to the Accokeek Development Commission on July 26, 2000. No comments have been received to date.

There are no master plan issues associated with this application.

6. In accordance with Section 24-134(a) of the Subdivision Regulations, the subject application is exempt from mandatory dedication of parkland. The application is for a non-residential subdivision and the proposed parcel is greater than one acre in size.
7. There are no master plan trail issues associated with this application.
8. The application is a preliminary plat of subdivision for a church. The proposed 11,000 square foot church would generate 8 AM and 7 PM peak hour vehicle trips as determined using Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 6th Edition*. The proposed 3,600 square foot addition would increase the AM and PM peak hour trips by 3 each, for a total of 11 AM and 10 PM peak hour vehicle trips.

The traffic generated by the proposed preliminary plan would impact the intersection of the MD 210 service road and Manning Road west. This intersection is not programmed for improvement with 100% construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system for signalized intersections. However, for unsignalized intersections, the lowest acceptable operating condition on the transportation system is a maximum of 50 seconds of delay per car. The intersection of the MD 210 service road and Manning Road west when analyzed with the total future traffic as developed using the *Guidelines*, was found to be operating with delays of less than 50 seconds per car during either peak hour. Therefore, adequate access roads would exist as required by Section 24-124 of the Subdivision regulations if this application is approved.

9. The proposed subdivision is exempt from the requirements of Section 24-122.02 of the Subdivision Regulations for adequacy of public schools because there are no dwelling units proposed.

10. Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations, and concluded the following:
 - a. The existing fire engine service at Accokeek Fire Station, Company 24 located at 16111 Livingston Road has a service response time of 1.71 minutes, which is within the 3.25 minutes response time guideline.
 - b. The existing ambulance service at Accokeek Fire Station, Company 24 located at 16111 Livingston Road has a service response time of 1.71 minutes, which is within the 4.25 minutes response time guideline.
 - c. The existing ladder truck service at Oxon Hill Fire Station, Company 21 located at 7600 Livingston Road has a service response time of 14.28 minutes, which is beyond the 4.25 minutes response time guideline.
 - d. The existing paramedic service at Allentown Fire Station, Company 47 located at 10900 Fort Washington Road has a service response time of 9.01 minutes, which is beyond the 7.25 minutes response time guideline. The nearest fire station is Company 24 which is located at 16111 Livingston Road, 1.71 minutes from the development. This facility would be within the recommended response time for paramedic service.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

11. The proposed development is within the service area for Police District IV- Oxon Hill. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County's police facilities will be adequate to serve the proposed Believer's Victory Church development. This police facility will adequately serve the population generated by the proposed subdivision.
12. The Health Department has identified an existing abandoned well on site which must be backfilled and sealed prior to record plat approval.
13. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8003770-2000-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

14. On December 7, 2000, this case was continued to December 21, 2000, by the Planning Board. The continuance was provided to allow the applicant time to gather supplemental information to support a finding of adequacy of transportation facilities. On December 21, 2000, that additional information was presented to the Planning Board. The additional information requested by the Planning Board included the following:

1. A list of parishioners and the location of their residents, to determine trip distribution.
2. The days and hours of church activities.
3. A four day traffic count which included a Sunday.

Based on all the evidence in the file the staff recommend approval of the application at the December 21, 2000, Planning Board hearing.

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 adoption of this Resolution.

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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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 21, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of January 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk