

R E S O L U T I O N

WHEREAS, Central Baptist Church is the owner of a 7.54-acre parcel of land known as Lots 6 and 7, (part of lots 2-5, part of lots 8 thru 13), BB 6 @ 68 , said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-80, C-O and R-R; and

WHEREAS, on November 6, 2000, Central Baptist Church 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 4-00063, Deerpond, 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 March 29, 2001, 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 of the application with conditions; and

WHEREAS, on March 29, 2001, 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/44/00), and further APPROVED Preliminary Plat of Subdivision 4-00063, Deerpond for Parcel 4 with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/4/00) as revised on January 31, 2001. The following note shall be placed on the Final Plat of Subdivision:

A Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCP I/4/00), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply is a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy. @

2. A Type II Tree Conservation Plan shall be approved prior to issuance of any permits. The plan shall address specifics techniques to evaluate and preserve the specimen trees identified on the Type I Tree Conservation Plan. If it is determined that the specimen trees can not be protected adequately, the plan shall identify alternative mitigation sites. The plan shall also identify the location of all off-site mitigation areas.

3. Total development within the subject property shall be limited to a 40,000-square foot church, with approximately 1,060 seats, or equivalent development which is permitted which generates no more than 30 AM, 28 PM, and 394 Sunday peak hour vehicle trips. Development of up to 5,000 additional square feet of church space shall not constitute a significant change in trip generation. Any development which generates more trips than identified herein shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
4. There shall be no direct access from the site onto MD 5 or Linda Lane. A note to this effect shall be placed on the final plat.
5. At the time of final plat approval, the applicant, his heirs, successors and/or assigns shall dedicate right-of-way along Old Branch Avenue as shown on the submitted preliminary plan. Any improvements within the dedicated right-of-way will be determined by DPW&T.
6. Prior to signature approval, the preliminary plat shall be revised to:
 - a. Graphically depict the 10-foot Public Utility Easement.
 - b. Show all existing wells and septic systems, or include a note if none exist.
 - c. Include the stormwater management concept approval date.
7. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, Concept 8323113-2000-00, or revisions thereto.
8. The following note shall be placed on the final plat:

AAn automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.@

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 on the east side of Old Branch Avenue, the north side of Linda Lane and the west side of Branch Avenue.
3. Environmental Issues - The property has scattered woodlands which include numerous specimen trees. There are no streams, wetlands, floodplains, steep slopes or severe slopes found to occur on the property. According to information provided by the Maryland

Department of Natural Resources Natural Heritage Program there are no rare, threatened or endangered species in the vicinity of this property. The soils found on this site include Chillum silt loam and Beltsville urban land complex. The Beltsville soils exhibit some limitations with respect to impeded drainage and seasonally high water tables which should be considered when building structures with basements. An evaluation of the vicinity reveals no scenic roads or historic roads on or adjacent to this property.

A Forest Stand Delineation (FSD) as submitted and reviewed in conjunction with the previous reviews for this site was found to meet the requirements for an FSD. No further information is required.

The Type I Tree Conservation Plan (TCP I/44/00), as revised on January 31, 2001 has been found to address the requirements of the Prince George's County Woodland Conservation Ordinance. This property, which is zoned R-80, has a Woodland Conservation Threshold (WCT) of 20 percent or 1.56 acres and a replacement requirement of 1.53 acres for a total requirement of 3.09 acres. That requirement will be satisfied by the preservation of 0.40 acres of woodland and specimen trees, 1.38 acres of reforestation, and 1.30 acres of off-site mitigation at a site not yet determined. TCP I/44/00 is approved.

The 1998 AAir Installation Compatible Use Zone (AICUZ) Study@ for Andrews Air Force Base does not show this property to be within the defined Accident Potential Zones (APZ) or within a noise exposure zone that exceeds 65 dBA. The property is located approximately 8,000 feet west of the western limit of the 65 dBA noise contour as reflected in the AICUZ Study.

The property is located adjacent to MD 5 which has previously been identified as a noise source. However, for this use in this location noise has not been found to be an issue.

No other significant environmental constraints have been identified for this property.

4. Community Planning - The *Master Plan for Subregion VII, Henson Creek, South Potomac* (1981), recommends the property for residential land use at a Low Suburban and Suburban density. The 1984 Sectional Map Amendment for Subregion VII rezoned the majority of the subject property to the R-80 Zone from the R-R Zone and rezoned a lot or lots in the southwest corner of the site from the C-1 to the C-A Zone. The proposed uses are permitted in these zones. The proposed subdivision will enable the development of a church which is not inconsistent with the A suburban@ and A low suburban@ land use classifications designated for this location in the Subregion VII Master Plan.
5. Parks and Recreation - The proposal is exempt from the requirements of mandatory park dedication because a nonresidential use is proposed (Section 24-134).
6. Trails - There are no master plan trails issues associated with this proposal.

7. Transportation - The Transportation Planning Section has reviewed the subdivision application. The applicant proposes to construct church facilities totaling approximately 40,000 square feet (a sanctuary seating 1,060 persons and a 10,000 square foot senior center) on the site.

The transportation staff determined that Sunday traffic counts were needed. In response, the applicant submitted traffic counts taken in February 2001. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

The staff has reviewed Sunday and weekday traffic operations in the vicinity of the site using new Sunday counts taken in February 2001 and 2-year-old weekday counts. The staff is specifically analyzing the following intersections:

Old Branch Avenue/Linda Lane (signalized, Sunday and weekday)
Old Branch Avenue/Middleton Lane (signalized, Sunday only)

Existing conditions in the vicinity of the subject property are summarized as follows:

| EXISTING CONDITIONS | | | | | | |
|----------------------------------|---|-------|-----|--|----|---|
| Intersection | Critical Lane Volume (AM & PM & Sunday) | | | Level of Service (LOS, AM & PM & Sunday) | | |
| Old Branch Avenue/Linda Lane | 1,132 | 1,306 | 250 | B | D | A |
| Old Branch Avenue/Middleton Lane | N/A | N/A | 377 | -- | -- | A |

The analysis indicates that acceptable traffic conditions exist adjacent to the site.

A review of background development in the area was conducted by staff, and three significant approved but unbuilt developments were identified in the immediate area. The transportation staff also assumed growth rates of one percent per year along both Old Branch Avenue and Linda Lane; this rate of growth over three years is probably generous. Background traffic conditions are summarized as follows:

| BACKGROUND CONDITIONS | | |
|-----------------------|---|--|
| Intersection | Critical Lane Volume (AM & PM & Sunday) | Level of Service (LOS, AM & PM & Sunday) |

| | | | | | | |
|----------------------------------|-------|-------|-----|----|----|---|
| Old Branch Avenue/Linda Lane | 1,193 | 1,355 | 300 | C | D | A |
| Old Branch Avenue/Middleton Lane | N/A | N/A | 430 | -- | -- | A |

The *Guidelines* do not contain trip generation rates for churches. The staff has used the Sixth Edition of the Institute of Transportation Engineers' *Trip Generation Manual*, and has determined that the 40,000 square foot church would have the following trip generation:

Weekday, AM peak hour: 16 in 14 out30 total
Weekday, PM peak hour: 15 in 13 out28 total
Sunday, peak hour: 201 in 193 out394 total

The senior center initially posed some difficulty since there are no appropriate rates in the *Guidelines* or the *Trip Generation Manual*. The staff noted that the use ARecreational Community Center@ in the *Trip Generation Manual* would generate 13 and 18 trips in the AM and PM peak hours respectively. Since the type of use reviewed in the *Manual* would be a public use while the senior center would presumably be for the use of church members and their families, the transportation staff believed that the senior center would function as an accessory to the church use, and would not need to be analyzed distinctly. However, the applicant and all parties should note that the staff=s analysis does not provide for formal day care services for adults (or children). If the applicant intends to offer formal day care services of any type, there must be a new Preliminary Plat of Subdivision with a new finding of adequate transportation facilities.

The staff assumed the following trip distribution:

15% north along Old Branch Avenue
45% east along Linda Lane (toward MD 5)
20% south along Old Branch Avenue
20% west along Middleton Lane

Total traffic under future conditions without improvements, as analyzed by the transportation staff, is summarized below:

| TOTAL TRAFFIC CONDITIONS | | | | | | |
|----------------------------------|---|-------|-----|--|----|---|
| Intersection | Critical Lane Volume (AM & PM & Sunday) | | | Level of Service (LOS, AM & PM & Sunday) | | |
| Old Branch Avenue/Linda Lane | 1,202 | 1,363 | 431 | C | D | A |
| Old Branch Avenue/Middleton Lane | N/A | N/A | 501 | -- | -- | A |

The Prince George's County Planning Board, in the *Guidelines*, has defined level of

service D (LOS D) as the lowest acceptable operating condition on the transportation system. The critical intersections have been found to be operating acceptably, at LOS D or better, in both peak hours and on Sunday as well with the proposed development of the subject property.

Notwithstanding the above finding, the transportation staff will recommend a trip cap condition for the property consistent with the proposed use to ensure that the level of service will not slip to failing.

The transportation recommendations in the *Subregion VII Master Plan* indicate that MD 5 is a Master Plan freeway facility. Sufficient right-of-way exists along MD 5, and no further dedication is required by this plan. The plan does show adequate dedication along Old Branch Avenue, which is a Master Plan collector facility.

Linda Lane is maintained by the State Highway Administration (SHA). Staff notes that the property has C-A zoning on a portion that is adjacent to Linda Lane. Per zoning regulations, the standard right-of-way in front of a commercially-zoned property is 70 feet, or 35 feet from center line. The zoning regulations exist primarily for determining required buffers, but the transportation staff can ask for additional right-of-way if deemed necessary by the operating agency. SHA has indicated that no additional right-of-way is needed along Linda Lane, and so no further dedication along Linda Lane will be needed.

SHA has requested that the plat indicate that there shall be no direct access from the site onto Linda Lane. In accordance with the Master Plan recommendations for MD 5, the transportation staff believes that the plat should also prohibit access to MD 5.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions regarding trip generation, dedication and access.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the Regulations to Analyze the Development Impact on Public School Facilities (revised July 2000) (CR-4-1998). The proposed subdivision is exempt from Adequate Public Facilities test for schools because it is a nonresidential use.
9. Fire and Rescue - The site will be served by the Silver Hill Fire Station, Company 29, and the Clinton Fire Station, Company 25. Of the four provided services, only paramedic service can be provided within the recommended response time guideline.
 - a. The existing fire engine service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service response time of 4.88 minutes, which is beyond the 3.25 minutes for response time guidelines.

- b. The existing ambulance service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service response time of 4.88 minutes, which is beyond the 4.25 minutes for response time guidelines.
- c. The existing paramedic service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service response time of 4.88 minutes, which is within the 7.25 minutes for response time guidelines.
- d. The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 5.86 minutes, which is beyond the 4.25 minutes response time guideline.

These 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 due to the inadequate service discussed above, 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.

- 10. Police Facilities - The proposed development is within the service area for 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, staff concludes that the existing County police facilities will be adequate to serve the proposed Deerpond development.
- 11. Health Department - The Health Department reviewed the application and made two comments. First, the disposition of the existing structures was unclear. However, the plan has been revised to include notes indicating that most of these structures are to be razed. Special care must be taken to ensure that any hazardous materials are properly discarded prior to demolition of the buildings. The applicant is reminded that a raze permit is required.

Second, the preliminary plat should be revised to either show all existing wells and septic systems. This does not appear to have been done. If none exist, a note to that effect should be placed on the plan. If there are such systems that will be abandoned, the applicant is reminded that wells must be backfilled and sealed by a licensed driller in accordance with COMAR 26.04.04. The abandonment of septic systems must be coordinated with the Health Department and accomplished prior to the issuance of grading permits.

- 12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 8323113-2000-00, was approved on September 27, 2000, with conditions to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through

September 27, 2003. Development must be in accordance with this approved plan. The preliminary plat includes the approval number but must be revised to also include the approval date.

13. Public Utility Easement - The preliminary plat does not include the required 10-foot wide public utility easement (PUE). Prior to signature approval, the preliminary plat must be revised to show the PUE along all road frontages.

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.

* * * * *

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 29, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk