

R E S O L U T I O N

WHEREAS, Mt. Ennon Baptist Church is the owner of a 3.81-acre parcel of land known as Parcel A and B, WWW 66 @ 65; Outlot A, VJ 178 @ 3, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on January 26, 2001, Aylward, Stephens and Associates 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 4-01008, 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 Mount Ennon Baptist Church, 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 May 31, 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/2/01), and further APPROVED Preliminary Plat of Subdivision 4-01008, and further APPROVED a Variation from Section 24-121(a)(3) Mount Ennon Baptist Church for Parcel A with the following conditions:

1. Prior to signature approval the preliminary plat shall be revised:
 - a. To rename the proposed property as Parcel C.
 - b. To provide the proposed gross floor area of development.
 - c. To provide bearings on the proposed access easement.
 - d. To remove the language Aor near@ from Notes 11 and 12.
 - e. To provide the Storm Drain Concept Plan approval date.
 - f. To note denied access to Piscataway Road from Parcel C.

- g. To note that access is being provided via a private ingress and egress easement, pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
 - h. To revise Note 5 to indicate that the water and sewer categories are 3 and 3.
 - i. To revise the language in Note 6 to substitute the A[S]ubject parcel...@ withhA[T]he existing property appears....@
2. The final plat of subdivision shall carry the following notes:
 - a. AParcel C is in an area subject to overflight by aircraft using a public use, general aviation airport, Washington Executive Airport, located on Piscataway Road approximately one-half mile to the southwest. As a result, residents may be subject to some risk of aircraft accidents or experience inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations.@
 - b. AAll structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County laws.@
 - c. AAccess to Parcel C is provided via a private ingress and egress easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations crossing Parcel 48 to the west.@ The applicant shall submit a recorded access easement agreement securing access, in accordance with the preliminary plan, at the time of approval of the final plat of subdivision.
 3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #CSD 008003710.
 4. Prior to the approval of the TCPII, the applicant will be required to provide evidence that the required off-site Woodland Conservation has been secured
 5. Total development within the subject property shall be limited to a 98,200-square-foot church, or equivalent development, which generates no more than 47 AM, 42 PM, and 929 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 other than that identified herein shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
 6. At the time of filing of a building permit within the subdivision, the applicant, his heirs,

successors, and/or assigns shall pay to Prince George's County, as a pro-rata share of the cost of constructing improvements to the intersection of MD 223/Brandywine Road/Old Branch Avenue, a sum based upon the following formulas:

For the church, for each 1,000 square feet, a fee calculated as $\$61.69 \times$ (the average Federal Highway Administration Federal-aid highway bid price composite index for the latest available four previous quarters at the time of payment) / (the average Federal Highway Administration Federal-aid highway bid price composite index for the four quarters preceding and including the second quarter of 1992).

Evidence of payment for the appropriate sum listed above shall be submitted with the applications for building permits.

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 subject property is located on the south side of Piscataway Road, approximately 1,100 feet southwest of its intersection with Temple Hills Road in Clinton.
3. Environmental CThe site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. The woodland conservation threshold for this site is 0.76 acres (20 percent of the net tract) and an additional 0.80 acres due to the removal of woodland, for a total minimum requirement of 1.56 acres. The applicant has proposed to meet this requirement with off-site credits on property owned by Mt. Ennon Baptist Church in the Melwood Park subdivision. The applicant will be required to provide evidence that the required off-site Woodland Conservation has been secured. The Environmental Section recommends the approval of the Type I Tree Conservation Plan, TCPI/2/01.

Current air photos indicate that the site is wooded on the southern third of the site. There are no streams, wetlands or 100-year floodplain associated with the site. The site is relatively flat and contains moderate slopes that drain into tributaries of the Butler Branch within the Piscataway Creek watershed. There are no rare, threatened or endangered species located in the vicinity of this property. The property is in water and sewer categories W-3 and S-3.

The predominant soil types on site are Galestown, Rumford, and Matapeake. These soil types generally exhibit slight limitations to development due to perched water table or steep slopes. There are no noise issues associated with this use or Historic or Scenic roads affected by this proposal.

4. Community Planning CThe subject property is located within the 1993 *Subregion V*

Master Plan, in PA 81B, in the Tippet community. The Master Plan Land Use Recommendation for this property is for Low Suburban Residential. Churches are considered as appropriate uses within residential areas.

This site is located in an area that is underneath the air traffic/flight pattern for Washington Executive Airport, which is a small general aviation airport approximately 2,000 feet to the southwest. This airport has been in operation since 1939 and was originally known as Hyde Field. Aircraft associated with flights to and from Washington Executive Airport are primarily small, lightweight, single-engine planes; a few are twin-engine small aircraft.

Research associated with an ongoing Planning Department work program on Airport Regulations and Legislation has revealed that the land area underneath airport traffic patterns have a slightly elevated risk of exposure to aircraft accidents. Studies conducted in other states recommend discouraging high concentrations of people in areas underneath airport traffic patterns. To mitigate whatever risk exists, one strategy cited is to provide areas of open space that would allow pilots to land aircraft in an emergency, e.g., parking lots, streets, or open fields.

Noise exposure is another effect of the proximity of the proposed development to airport operations and traffic patterns. Single-engine aircraft, although not significantly noisy, are noticeable when flying at low altitudes or when ambient noise is low, such as would be presumed at certain times during a worship service. It should also be understood that airport operations are busiest on evenings and weekends, simultaneous with church activities. Noise from other more distant aircraft bound for Reagan National Airport and Andrews Air Force Base may also be heard at this location.

In addition, sponsors of any construction higher than an imaginary surface defined by a 50:1 slope for a horizontal distance of 10,000 feet from the nearest point of an active airport runway of up to 3,200 feet in length may be required by federal law (FAR Part 77.13(a)(2)(ii) to file FAA Form 7460-1, Notice of Proposed Construction with the Federal Aviation Administration) to determine the relationship of proposed construction to federally regulated airspace. According to Maryland state law, similar notice is to be filed with the Maryland Aviation Administration. This site and the proposed construction may fall within the criteria that will require filing of these notices.

The Planning Department work program is currently evaluating the need for regulations to enhance land use compatibility and safety in the vicinity of general aviation airports. It is anticipated that a legislative proposal will be made during spring 2001. Although there are presently no county regulations that specifically address development of this parcel for the proposed church use relative to the impact of air traffic in this area, the applicant should be aware of the possible overflight of low flying aircraft and that there is a slightly elevated risk of exposure to small aircraft accidents. The record plat should include a note that this property is in an area affected by aircraft overflights.

5. Parks and RecreationCIn accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from the requirements of mandatory dedication of parkland because proposed Parcel A is greater than one acre in size and is not proposed for residential use.
6. TrailsCThere are no master plan trail issues associated with this site. However, there is a master plan trail proposed within the PEPCO property abutting to the east, which does not effect this property.
7. Variation Requests to the Subdivision RegulationsCSection 24-121(a)(3) of the Subdivision Regulations requires that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they must be designed to front on either an interior street or a service road.

The property has its frontage on Piscataway Road and existing arterial. The State Highway Administration as well as the Transportation Planning Section believe that direct vehicular access onto Piscataway Road from Parcel A is unsuitable due to poor sight distances. This could result in an unsafe condition for ingress and egress.

An access easement for Parcel A is proposed across Parcel 48. Parcel 48, abutting to the west, is currently owned by the applicant. Across Piscataway Road from the proposed access for Parcel A is Parcel 62, also under the ownership of the applicant. Parcel 62 is proposed for development with direct vehicular access onto Piscataway Road. The applicant is proposing to align the access points for Parcel A on the south side of Piscataway Road with the access for Parcel 62 on the north side of Piscataway Road.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request. Staff supports the variation to allow for access for Parcel A onto an arterial road way via an access easement. Access via the easement would be approved pursuant to Section 24-128(b)(9) of the Subdivision Regulations and the following findings.

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The location for a permanent access has been reviewed and approved by the State Highway Administration assuring that the appropriate measure have been taken so that public safety is not compromised. The approval of this variation will reduce the possibility of vehicular conflicts with traffic on Piscataway Road for vehicles entering and leaving the church facility.
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** The applicant=s ability to provide additional access on an adjoining lot is unique in that the applicant can relocate the access off site in a location that alleviates most of the concerns raised regarding direct access onto an arterial

roadway.

The property is unusual in its configuration when compared to adjoining properties. Due to the unusual flag shape of the lot, with the stem portion of the lot in the back, the lot has significant road frontage. However, because of the narrowing of the rear portion of the lot, the structure must be built near the road to accommodate parking and the church building. Given this, the variation would not be applicable generally to other properties.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations.
- D. **Because of the particular 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 current use of this property is a church. The applicant has slowly acquired property around this site in effort to provide for a growing population of parishioners. To deny this variation for access would render the property unusable for the purposes for which it was purchased. The applicant's only option would then be to dedicate and construct a public road interior to this parcel.

As proposed, the applicant is building this site to capacity in order to accommodate the church's current needs. To require the dedication of a public street internal to the church property would significantly restrict the applicant's ability to construct adequate parking and facilities for this use. To deny the variation request could result in a particular hardship on the owner.

- 8. Transportation The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 3.82 acres of land in the R-R zone. The property is located on the south side of MD 223 between Dalmatia Drive and Glen View Drive. The applicant proposes to construct church facilities totaling 98,200 square feet (a sanctuary seating 1,500 persons plus a fellowship hall and Sunday school classrooms) on the site. It should be noted that at buildout two adjacent parcels which are not a part of this subdivision will be developed with parking to serve the use, but no buildings are currently planned on these parcels.

This memorandum is presented as an addendum to our previous memorandum dated May 4, 2001. The transportation staff found it necessary to consider additional factors of site trip impact in making a recommendation.

Staff Analysis of Traffic Impacts

The trip generation for a 98,200-square foot church has been determined using information in the Institute of Transportation Engineers= *Trip Generation Manual* (sixth edition). A church of that size with 1,500 seat would have the following trip generation:

Weekday, AM peak hour:	13 in 12 out 25 total
Weekday, PM peak hour:	20 in 16 out 36 total
Sunday, peak hour:	474 in 455 out 929 total

Given that the site currently contains a 450-seat church which will eventually be razed when the new sanctuary is constructed, the net trip impact of the proposal is summarized below:

Weekday, AM peak hour:	9 in 8 out 17 total
Weekday, PM peak hour:	14 in 11 out 25 total
Sunday, peak hour:	332 in 318 out 650 total

Given information provided by the church, staff has assumed a trip distribution for the site as follows:

SW along MD 223	20%
NW along Steed Road	35%
N along Temple Hills Road	20%
N along Old Branch Avenue	5%
E along MD 223	20%

The subject property is in the vicinity of the MD 223/Old Branch Avenue/Brandywine Road intersection, and the changes to site impact noted above have an impact on the applicant's financial responsibility toward this intersection. As noted in the previous memorandum, the Planning Board has made past findings that this intersection would operate at an unacceptable level of service during the PM peak hour in the future, and has provided a methodology for the payment of a pro rata share of the cost of improving the intersection in lieu of having applicants wait for the improvements to be programmed. The improvements to the MD 223/Old Branch Avenue/Brandywine Road intersection would achieve acceptable operations under background and total traffic conditions during both peak hours. A number of other properties, including the First New Horizon Community Church (4-94022), have received conditions requiring a financial contribution to improvements at this intersection.

Using this Division's August 26, 1993 memo to the Development Review Division concerning Preliminary Plat of Subdivision 4-86156, the formula for allocating particular development's share of the cost of improving the intersection is:

Cost Allocation Share = (A-B) / (1450-C) , where

- A = B plus traffic generated by the subject development
- B = Base Critical Lane Volume plus traffic from developments approved with a cost allocation share after the revision of the cost allocation share methodology (in this case, since Boniwood, Section 6 would be the first development approved under a revised cost allocation share methodology, B would equal C)
- C = Base Critical Lane Volume

The Base Critical Lane Volume is 1,349. With approvals of pro rata share contributions for Boniwood (4-86156), Horse Shoe Road Development (4-93029), Clinton Dale Townhouses, Section 3 (4-94018), First New Horizon Church (4-94022), Mary Ellen Estates (4-94069), and RiteAid (4-96109) the value of B is a CLV of 1,369. The value of A equals the CLV which results from B plus the traffic generated by the subject property. The addition of the subject property, which has a trip distribution of 5% north and 20% east at the intersection, results in a CLV of 1,370.

Based on the preceding discussion, the Cost Allocation Share for the subject property would be:

$$\text{Cost Allocation Share} = (1370 - 1369) / (1450 - 1349)$$
$$\text{Cost Allocation Share} = 1 / 101 = 0.0099$$

The resulting Cost Allocation Share would be applied to the Adjusted Total Cost of the intersection improvements, or \$611,921. Thus, the pro rata share attributable to the subject property would be:

$$\$611,921 * 0.0099 = \$6,058 \text{ for the 98,200 square foot church building replacing a 450-seat existing church on the subject property.}$$

This total could be paid as a pro-rata share with square footage constructed. This would be \$61.69 per thousand square feet. The final condition would include an indexing factor to account for inflation of construction costs. The estimated construction costs for Alternative A are based on estimated costs for mid-1992.

Based on the preceding findings, the Transportation Planning Section concludes that 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.

9. Schools C The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Regulations to Analyze the Development Impact on Public School Facilities (revised January 2001) (CR-4-1998) and concluded that the proposal is exempt from an APF test for schools because it is a nonresidential use.

10. Fire and Rescue The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 2.55 minutes, which is within the 3.25-minute response time guideline.
- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 2.55 minutes, which is within the 4.25-minute response time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 2.55 minutes, which is within the 7.25-minute response time guideline.
- d. The existing ladder truck service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road has a service response time of 13.02 minutes, which is beyond the 4.25-minute response time guideline.

In order 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 sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County laws.

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*.

11. Police Facilities The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county=s police facilities will be adequate to serve the proposed Mount Ennon Baptist Church development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department The Health Department has reviewed the proposed subdivision and has no comment.
13. 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, #SD 008003710, dated 01/19/00, 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.

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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott, and Hewlett voting in favor of the motion, and Commissioners Lowe and Brown absent at its regular meeting held on Thursday, May 31, 2001, in Upper Marlboro, Maryland.

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