

PGCPB No. 02-52

File No. 4-02001

## R E S O L U T I O N

WHEREAS, Windsor Mill Gospel Hall, Inc. is the owner of a 1.99-acre parcel of land known as Parcel 63, Tax Map 32, 33 in Grid F-2 and A-2, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on January 2, 2002, Windsor Mill Gospel Hall, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02001 for 14 Street Gospel Hall, Inc. 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 14, 2002, 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 14, 2002, 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/32/99), and further APPROVED Preliminary Plan of Subdivision 4-02001, 14<sup>th</sup> Street Gospel Hall, Inc. for Lot 1 and Parcel A with the following conditionss

1. The Final Plat of Subdivision shall note that the building permit site plan for Lot 1 shall reflect a driveway with turnaround capabilities in order to minimize the need for vehicles to back onto Adelphi Road.
2. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #008000690.
3. Prior to signature approval, the preliminary plan shall be revised to label Lot 2 as Parcel A.
4. With submission of the Final Plat of Subdivision, the applicant, his heirs, successors, and/or assignees shall make the payment of a fee-in-lieu of parkland dedication for Lot 1.
5. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licenced well driller or witnessed by a representative of the Health Department prior to final plat.

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6. Total development within the subject property shall be limited to a residence plus 3,120 square feet of church facilities, or equivalent development that is permitted within the R-R Zone, which generates no more than 3 AM and 3 PM peak hour vehicle trips. Development of up to 5,000 additional square feet of church facilities shall not constitute a significant change in peak-hour trip generation. Any development that generates more peak-hour trips than that identified herein shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.
7. Prior to the issuance of any grading permits impacting the stream buffer, all appropriate federal and/or state permits shall be obtained and copies shall be submitted to the M-NCPPC Planning Department.

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 west side of Adelphi Road, approximately 800 feet south of its intersection with Curry Drive. The First Church of Christ Science is abutting to the north. The Cool Spring Terrace subdivision is west, developed with single-family dwelling units in the R-R Zone. The land abutting to the south is vacant R-R Zoned land. The University of Maryland is located across Adelphi Road, east of Parcel 63.
3. Environmental - The Environmental Planning Section previously reviewed this property in conjunction with Preliminary Plan of Subdivision 4-99045 and Detailed Site Plan DSP-00012. A Type I Tree Conservation Plan (TCPI/32/99) and a Type II Tree Conservation Plan (TCPPII/34/00) have been approved. The proposed preliminary plan is consistent with those approvals.

No existing adverse noise impacts from off-site sources have been identified that would limit development of this site. The current sewer and water services are category 3. According to information obtained from the Maryland Department of Natural Resources= Natural Heritage Program publication entitled AEcologically Significant Areas in Anne Arundel and Prince George=s Counties,@ December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located in the vicinity of this property. The property is located in the Northwest Branch subwatershed of the Anacostia River watershed. A Detailed Forest Stand Delineation (FSD) was included in the review of the expired Preliminary Plan of Subdivision (4-99045). That FSD had been reviewed and was found to address the requirements for an FSD in accordance with the Prince George=s County Woodland Conservation and Tree Preservation Technical Manual.

The soils found to occur on this site according to the Prince George=s County Soil

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Survey include Christiana clay, which has significant limitations. No further information is required at this time. However, additional information on the soil characteristics and potential site engineering requirements may need to be provided to the Department of Environmental Resources during the review of building permits.

Although streams, wetlands, wetland buffers, and 100-year floodplains are not found on this property, there is a 50-foot stream buffer associated with a stream on the abutting property to the south. A variation to Section 24-130 of the Subdivision Regulations is required for impacts to the stream buffer, as discussed further in Finding 13 below.

4. Community Planning - The subject property is located within the 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* in Planning Area 66 in the College Park Community. The 2000 *Interim General Plan* locates this property in the ADeveloped Tier.@ The 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommended the subject property for residential uses. The proposed uses for the property are consistent with that recommendation. There are no master plan issues associated with this applicationn
5. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the applicant will be required to pay a fee-in-lieu of parkland dedication because the land that is available for dedication within the proposed subdivision is unsuitable because of its size and drainage issues. Parcel A is exempt from the payment of a fee-in-lieu because it is greater than one acre in size.
6. Trails - The *Adopted and Approved Langley Park-College Park-Greenbelt Master Plan* recommends a Class II hiker/biker trail along Adelphi Road. The trail has been completed on the east side of Adelphi Road as part of a county road improvement project. This trail will adequately serve the subject property. However, if road improvements are required, an ADA-compatible, standard sidewalk along the subject property's frontage of Adelphi Road is recommended.
7. Transportation - The church building and the residence would receive access via Adelphi Road, a master plan arterial facility which has sufficient right-of-way. No further dedication is required through this subdivision process.

The site is currently developed with a residence that will be razed. A new residence will be constructed on proposed Lot 1. On Parcel A, the applicant proposes the development of a 3,120-square-foot church.

No traffic study was requested of the applicant nor was one submitted for review. The findings and recommendations outlined below are based upon a review of relevant 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*.

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The transportation staff has determined that the link of Adelphi Road between MD 193 and Metzert Road is to be critical for the subject property. The most recent counts identified by staff along this link were taken in 1997. The resulting existing condition indicates that during both the AM and the PM peak hours, the link operates at level-of-service (LOS) B, with a volume-to-capacity ratio (V/C) of 0.51. The Planning Board has determined that for links on the transportation network, any link having a V/C exceeding 0.80 in any peak hour is deemed to be operating unacceptably. Therefore, under existing traffic, the critical link operates acceptably.

There is limited background development in the area. The staff has increased traffic on the link by 7.5 percent (5 percent in the peak direction, and 10 percent in the off-peak direction) to estimate background traffic. The resulting background condition indicates that during both the AM and the PM peak hours, the link would operate at LOS B, with a V/C of 0.53.

This subdivision proposes constructing new church facilities totaling 3,120 square feet, and replacing an existing residence. Using the trip rates obtained from the Institute of Transportation Engineers= *Trip Generation Manual* (sixth edition) for AChurch@ use, the development of the site under the proposed subdivision would generate an additional 1 inbound and 2 outbound trips during the AM peak hour, and 2 inbound and 1 outbound trips during the PM peak hour. The site was analyzed using the following trip distribution:

Adelphi Road from the northwest:	50 percent
Adelphi Road from the southeast:	50 percent

The resulting total traffic condition indicates that during both the AM and the PM peak hours, the link would continue to operate at LOS B, with a V/C of 0.53. The analysis indicates, therefore, that with the development of a church on the subject property, there would be no resulting capacity problems along the adjacent portion of Adelphi Road during either peak hour.

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 Subdivision Regulations.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001) and determined that the proposed subdivision is exempt from the APF test for schools. Parcel A is a commercial use and the dwelling anticipated for Lot 1 replaces an existing dwelling on the property.
9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:

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- a. The existing fire engine service at Chillum-Adelphi Fire Station, Company 34, located at 7833 Riggs Road, has a service response time of 2.94 minutes, which is within the 3.25-minute response time guideline.
- b. The existing ambulance service at Chillum-Adelphi Fire Station, Company 34, located at 7833 Riggs Road, has a service response time of 2.94 minutes, which is within the 4.25-minute response time guideline.
- c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service response time of 3.60 minutes, which is within the 7.25-minute response time guideline.
- d. The existing ladder truck service at Hyattsville Fire Station, Company 1, located at 6200 Belcrest Road, has a service response time of 3.65 minutes, which is within the 4.25-minute response time guideline.
- e. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance, ladder truck and 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*.

10. Police Facilities - The proposed development is within the service area for District I-Hyattsville Police Station. In accordance with Section 24-122.01(c) of the Subdivision Regulations of Prince George's County, the existing county police facilities will be adequate to serve the proposed Gospel Hall-14th Street development.
11. Health Department - The Health Department notes that any abandoned well(s) or septic tank(s) found within the confines of the property will be required to be properly abandoned. In addition, any hazardous materials located in any structure on site must be removed and properly stored or discarded prior to the razing of the structures. The Health Department has no other comment at this time.
12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #008000690, 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.
13. Variation from Section 24-121(a)(3) - The development proposes access via Adelphi Road, an arterial roadway. Currently the existing dwelling has vehicular access to Adelphi Road. One additional access permit will be required by the Department of Public Works and Transportation for this development.

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Section 24-122(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways and requires that these lots be developed in a way that direct vehicular access be either via a service road or an interior street. This design guideline encourages applicants, when feasible, to develop alternatives to direct access to an arterial roadway. The proposed subdivision has neither a service road nor an interior street. It would be difficult for the applicant to redesign the improvements proposed on the site due to the square footage of the property, its configuration, the protected environmental features, and the proposed use with its required setbacks and parking requirements. Staff is recommending approval of the variation for access onto Adelphi Road for Lot 1.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request. Staff supports the variation based on 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.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. In this case Adelphi Road has recently been upgraded and has been improved to current DPW&T standards. An additional access point of this location will not be detrimental to public health, safety, or welfare.
- b. **The conditions on 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 site has an existing stream directly adjacent to the subject property=s southern property line. The section of the stream runs almost the entire southern property line, which is unique to this site when compared to other properties. Due to the existing grades and drainage course on the property, the location of the stormdrain outfall impacts the wetlands buffer and makes development of this property unique to the surrounding properties.

The staff notes that proposed Lot 1 would contain a residence and there are several existing single-family residences along Adelphi Road which have driveway access onto Adelphi Road. Due to the inability to provide a single access point for both lots due to the proposed uses and the prevailing traffic pattern along Adelphi Road, the transportation staff agrees to an additional access point to serve the church use. However, staff would recommend that because Adelphi Road serves more traffic and higher-speed traffic than a normal residential street, and because traffic leaving Lot 1 and backing onto Adelphi Road would pose a safety hazard, staff recommends that the driveway onto Lot 1 be designed with a turnaround capability.

- 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



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laws, ordinances or regulations. Access permits will be required from the State Highway Administration.

- 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 site is has an existing stream directly adjacent to the subject property=s southern property line. The section of the stream runs almost the entire southern property line, which is unique to this site when compared to other properties in the area and limits the location of development on this site due to drainage and nondisturbance areas caused by the Subdivision Regulations.

The applicant would suffer a particular hardship if the strict letter of the regulation is followed since Adelphi Road provides the only vehicular access to the site. Abutting properties which contain a church and a single-family dwelling have been granted direct vehicular access to Adelphi Road. To restrict this applicant could be a disproportionate imposition of these regulations.

14. Variation from Section 24-130(b)(6) The applicant is impacting a portion of a required 50-foot stream buffer along the southern property line for the installation of a storm drain outfall. This impact requires the approval of a variation to Section 24-130. Staff supports the variation request to allow disturbances to the stream buffer located at the southwest corner of this property based on the following findings set forth in Section 24-113 of the Subdivision Regulations:

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The variation will permit the construction of an outfall to safely convey stormwater from the proposed stormwater management pond to the stream located just beyond the southern property line. Failure to convey the water to the stream could result in erosion and degradation of the stream down slope from this site which could cause other adverse impacts to downstream properties.
- 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 stream and much of the stream buffer are located on an adjoining property. The location of any stormwater management structure on this property would be constructed near the top of a steep slope leading up from the stream bank. Because the stream parallels the entire southern property line and rises quickly to a generally level area, the placement of a stormwater management facility anywhere on the property would require the construction of an outfall impacting the stream buffer. This situation is unique to this property.
- c. **The variation does not constitute a violation of any other applicable law,**

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**ordinance, or regulation.** Approval of this variation request will not result in a violation of other applicable laws, ordinances or regulations. The piping of the water course and stormwater control must be accomplished in accordance with the approved stormwater concept plan.

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

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**regulations is carried out.**

Due to the configuration of the site and the existing topography, no other reasonable options are possible. The failure to grant this variation would create a hardship because the proposed use requires the construction of a stormwater management facility as require

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The Environmental Planning Section supports the variation to allow disturbance to the 50-foot stream buffer for the construction of a stormwater management outfall.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 14, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of April 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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