

R E S O L U T I O N

WHEREAS, The Association of Napalis in the Americas is the owner of a 3.20-acre parcel of land known as Parcel 129, Tax Map 35, Grid B-3, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on December 4, 2003, Association of Napalis in the Americas filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02110 for Nepal Temple 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 April 17, 2003, 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 April 17, 2003, 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?65/02), and further APPROVED Preliminary Plan of Subdivision 4-02110, Nepal Temple for APPROVAL with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To provide the approved conceptual stormwater management plan number.
 - b. To label the disposition of each existing structure.
 - c. To revise the "graphic scale" on the preliminary to accurately reflect 1" = 50'.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to signature approval, the TCPI shall be revised to show the correct amount of woodland preservation as well as the woodlands retained but not part of any requirements. The Woodland Conservation Worksheet shall also be revised to show the amount of additional woodlands retained but not part of any requirements.

4. Prior to signature approval, the TCPI shall be revised to show the current version of the required TCPI notes.
5. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/65/02). 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/65/02), 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 will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.

6. All (new) commercial structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
7. Total development on the proposed site shall be limited to equivalent of 12,800 square feet of gross floor area and the existing dwelling unit or any other permitted uses which generate no more than 17 new vehicle trips during the AM peak hour and 18 trips during the PM peak hour on any weekday.
8. Prior to the approval of the record plat, and as deemed necessary by the county DPW&T, the existing Nightingale Drive shall be terminated with appropriate sized turn-around.
9. Prior to the approval of any building permit, Margo Road shall be extended the entire frontage of the properties frontage in accordance with DPW&T recommendation and standards.
10. Prior to the issuance of permits, a hydrogeologist shall perform an investigation of Parcel A to determine if ground water exists on Parcel A and in the immediate vicinity. The hydrogeologist shall provide a recommendation to ensure that the proposed building will not cause adverse impacts to adjacent properties through the displacement of ground water if it is found to occur. If measures are necessary they shall be indicated on all permit plans.
11. Prior to the approval of the final plat of subdivision a Detailed Site Plan shall be approved by the Planning Board. The review shall include but not be limited to on and off-site circulation, evaluation of the necessary turnaround at the terminus of Nightingale Drive, the impact of the height of the proposed temple, and hydro geological issues, buffering, landscaping and views.

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 north side of Margo Drive extended, approximately 700 feet north of the intersection of Mallery Drive and Good Luck Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Residential	Church
Acreage	3.19	3.19
Parcels	1	1
Dwelling Units:		
Detached	1	12,800 sq. ft. Church and Rectory

4. **Environmental**—This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and the site has a previously approved TCP (TCPII/55/02). The Environmental Planning Section previously reviewed the Type II Tree Conservation Plan (TCPII/55/02) for this site in conjunction with a building permit. The current submission is similar in form to TCPII/55/02.

The Type I Tree Conservation Plan as submitted with this application requires minor revisions that can be addressed prior to signature approval of the preliminary plan. The TCPI did not correctly show the amount of woodland preservation and the woodlands that are retained but not part of any requirements. The Woodland Conservation Worksheet should also show the amount of woodlands retained but not part of any requirements. TCPI/65/02 is recommended for approval subject to conditions.

A review of the available information indicates that 100-year floodplain, wetlands and streams are not found to occur on the property. The predominant soils found to occur according to the Prince George's County Soil Survey include soils in the Keyport series that are highly erodible. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-3 and W-3 according to information obtained from the Department of Environmental Resources dated November 1, 2001.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled *Ecologically 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. No transportation-related noise impacts have been found to

impact this property. There are no scenic or historic roads in the vicinity of this property. This property is located in the Northeast Branch watershed of the Anacostia River basin.

5. **Community Planning**—The subject property is located within the limits of the 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* in Planning Area 67 in the Greenbelt Community. The 2002 *General Plan* locates the property in the Developing Tier. The master plan land-use recommendation is for single-family residential uses. The Zoning Ordinance permits by right a church in a residential zone on land greater than two acres. The proposed land use is not in conflict the master plan land-use recommendations and the *General Plan*.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the proposed subdivision is exempt from the requirements of the mandatory dedication of parkland because the parcel being created is greater than one acre in size.
7. **Trails**—There are no master plan trail issues associated with this application.
8. **Transportation**— The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 3.19 acres of land in the Residential (R-80) Zone. The property is located on the south side of Margo Drive. Nightingale Drive is terminated at the property line. The primary access to the site will be via Margo Road extended to Mallery Drive that intersects with Good Luck Road. The plan proposes to construct a temple approximately 12,800 gross square feet. It is stated that functional occupancy count for the facility is limited to the auditorium seating capacity of 180 seats.

The application is a proposal to construct a temple with total of 12,800-square-foot gross floor area (GFA), and maximum seating capacity of 180 seats while maintaining the existing house for the related temple activities. The Guidelines provides generalized trip rates for residential uses in the R-R Zone. However, The Institute of Transportation Engineers *Trip Generation Manual* provides specific trip rates for specific uses, such as a church. Since there are no specific trip rates for temples and since temples are functioning in similar manner as churches, staff used the recommended trip generation rates for churches for this application. Using the best available information, the proposed temple with 12,800 square feet GFA would generate on any weekday 17 new vehicle trips during the AM peak hour and 18 trips during the PM peak hour.

The traffic generated by the proposed preliminary plan would impact the intersection of Mallery Drive with Good Luck Road. This intersection is unsignalized. Under existing, background, and total traffic conditions, this intersection would operate with an average delay not exceeding 50.0 seconds, which is deemed acceptable.

Based on the above analyses, the Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the proposed preliminary plan of subdivision is approved with following conditions.

9. **Schools**—The Historic Preservation 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 *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that the proposed subdivision is exempt from APF test for schools because it is a nonresidential use.

10. **Fire and Rescue**—The Historic Preservation 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 West Lanham Hills Fire Station, Company 48, located at 8501 Good Luck Road, has a service travel time of 1.90 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at West Lanham Hills Fire Station, Company 48, located at 8501 Good Luck Road, has a service travel time of 1.90 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 7.58 minutes, which is beyond the 7.25-minute travel time guideline.
 - d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue, has a service travel time of 7.21 minutes, which is beyond the 4.25-minute travel time guideline.

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*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all commercial structures in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

The existing paramedic service located at Glenn Dale Fire Station, Company 18, is beyond the recommended response time guideline. The nearest fire station, West Lanham Hills, Company 48, is located at 8501 Good Luck Road, which is 1.90 minutes from the development. This facility would be within the recommended travel time for paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Nepal Temple development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has no comment.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. The applicant is proposing to provide a bio-retention pond in combination with a payment of a fee-in-lieu of providing on-site attenuation and quality control measures.

A Stormwater Management Concept Plan, # 8008480-1998-01, 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.

The Department of Environmental Resources, Development Services Branch, has performed a site inspection and has concerns regarding the possibility that ground water exists in the area. The development as proposed may displace ground water onto adjacent properties if it exists. In order to ensure that adverse impacts do not occur on adjoining properties, DER would recommend that a hydrogeologist perform an investigation to determine if ground water exists and if so what steps would be necessary to ensure that the construction of the Temple would not displace existing ground water onto adjoining properties.

14. **Development Issues**¾ Section 24-107 of the Subdivision Regulations requires a preliminary plan of subdivision for the development of more than 5,000 square feet of gross floor area in certain circumstances. Because the trigger for the preliminary plan of subdivision is due to the applicant's proposal to construct a building, staff has been provided with a copy of the development proposal for the church.

In the review of the site plan staff has identified and anticipates possible hurdles in the development process for the construction of the church building as proposed by the applicant. Due to the exceptional narrowness and depth of the parcel of land, the building envelope is very restrictive. The building envelope for a church use on this property is 20 feet wide if the applicant were to comply with the current building and landscape standards for development.

This building envelope is established by the Prince George's County *Landscape Manual*. Alternative compliance from the *Landscape Manual* will be required because Parcel A is too narrow to fully comply with the bufferyard standards. It is staff's understanding the applicant has submitted a preapplication for alternative compliance. The Alternative Compliance Committee has evaluated that application favorably, but the applicant does not have final approval of an Alternative Compliance application. If Alternative Compliance is not ultimately granted, the only relief from the strict compliance to the *Landscape Manual* is the approval of a departure from design standards (DDS).

In addition, Section 27-582 of the Zoning Ordinance requires that institutional uses between 10,000 and 100,000 square feet of gross floor area provide one loading space. The applicant is proposing a 12,800-square-foot building. Section 27-279 requires that no vehicular entrance to any loading space including driveways shall be located within 50 feet of any residential zone or land proposed to be used for residential purposes. Because of the exceptional narrowness of this site (101 feet) and that all of the abutting properties are residentially zoned, access to the required

loading space cannot be located in a manner that will conform to this regulation. Unless the proposed church building is reduced in size, the applicant will be required to obtain approval of a departure of parking and loading (DDS). Staff has substantial concerns regarding the feasibility of developing this site as proposed.

Moreover, the approval of this preliminary plan will not restrict the development of Parcel A to a church use. Therefore, the applicant could propose alternative uses for this property within the limits established with the approval of this application.

15. **Detailed Site Plan** – At the Planning Board hearing of April 17, 2003 citizens raised numerous concerns regarding the impact of the proposed development on their community. Parcel A, the subject property, is an exceptionally narrow and elongated property of 3.12 acres. The site is 101.16 feet in width and 1,323 feet in depth.

The Planning Board has determined that a detailed evaluation of the impacts of this development on the surrounding community must be considered before development can proceed as proposed. The Planning Board has found that due to the unusual configuration of the property and its location and proximity to an existing established neighborhood that the review and approval of a Detailed Site Plan by the Planning Board is necessary to ensure that any adverse impacts on the surrounding community are mitigated to the fullest extent possible.

The Planning Board notes that due to the considerable site constraints that the issues of compatibility may be difficult to address. Through the review of a DSP all of the variable site issues can be evaluated comprehensively. This evaluation could result in significant changes to the applicant's proposal if approved.

The Planning Board has determined that the review should include but not be limited to; on and off-site circulation, evaluation of the necessary turnaround at the terminus of Nightingale Drive, the impact of the height of the proposed temple, and Hydro geological issues, buffering, landscaping and views.

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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley and Hewlett voting in favor of the motion, and Commissioner Lowe absent at its regular meeting held on Thursday, April 17, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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