

R E S O L U T I O N

WHEREAS, Fifteenth Street Christian Church is the owner of a 23.59-acre parcel of land known as Parcel 123, Tax Map 123, Grid B-3 said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on May 16, 2003, Fifteenth Street Christian Church filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03044 for Fort Washington Manor 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 October 16, 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 October 16, 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/22/01-01), and further APPROVED Preliminary Plan of Subdivision 4-03044, Fort Washington Manor for Parcels A, B and C including a Variation Request from Section 24-130 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 a reference to the approved DSP-99042/01 for the existing day care center on proposed Parcel B.
 - b. To relabel Lot 1, 2 and 3 as Parcels A, B and C.
 - c. To clearly show the expanded stream buffer on the plan and in the legend.

2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. The final plat of subdivision shall provide for one point of vehicular access to the MD 210 service road for Parcels A, B and C combined, at a point corresponding to the existing site access. The final plat shall carry a note that access is provided pursuant to Section 24-129(b)(9) of the Subdivision Regulations and access to the remaining street frontage shall be denied.
4. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, # 24006-2001-00.
5. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
6. The abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
7. Prior to signature approval of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised:
 - a. To show the expanded stream buffer on the plan and in the legend.
 - b. To show the limit-of-disturbance on the plan and in the legend.
 - c. To have the revised plan signed and dated by the qualified professional who prepared the plan
8. 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/22/01-01), 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.”
9. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
10. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of

the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

11. Total development within proposed Lots 1 and 2 of the subject property shall be limited to a 150-unit elderly housing complex, or equivalent development that generates no more than 5 AM and 17 PM peak-hour vehicle trips. Any development other than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.

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 east side of the service road of MD 210 at its intersection with Fort Washington Road, in the Friendly community.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

| | EXISTING | PROPOSED |
|---------|---------------------------------------|---|
| Zone | R-E | R-E |
| Use(s) | Church, rectory and daycare center | 150-unit planned retirement community in addition to existing uses |
| Acreage | 23.59 | 23.59 |
| Parcels | 1 | 3 |

4. **Environmental**—This property is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and has a previously approved Tree Conservation Plan. The property has an approved Type II Tree Conservation Plan (TCPII/104/94) for timber harvesting and logging only.

A Type I Tree Conservation Plan, TCPI/22/01, was approved with SE-4424. The application includes variation requests for impacts to stream and wetland buffers that would result in the additional clearing of woodland not shown on the previously approved Type I Tree Conservation Plan that constitutes a major revision. The approved plan contains two worksheets. The first worksheet addresses only that portion of the property included in Special Exception application SE-4424. The second worksheet addresses the entire property prior to the recordation of the lot line adjustment deed and should be removed from the plan.

The plan proposes clearing 4.80 acres of the existing 10.56 acres of upland woodland and clearing 0.07 acre of the existing 3.82 acres of woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 6.15 acres. The plan proposes to meet

the requirement by providing 5.76 acres of on-site preservation and the planting of 0.39 acre for a total of 6.15 acres.

The proposed woodland conservation areas contain most of the high priority woodlands within the expanded stream buffer. The proposed planting areas provide additional buffering to the stream. The area and design of the proposed woodland conservation meet the requirements of the Woodland Conservation Ordinance.

There are a few technical errors that need to be corrected. The expanded stream buffer is not shown on the plan and the proposed limit-of-disturbance is not clearly indicated.

The site is partially developed on the western portion of the site and is surrounded for the most part by vacant land. The site is wooded, relatively flat, and characterized with terrain sloping from the northeast and the southwest to an unnamed tributary that divides the property along a diagonal from northwest to southeast. Another tributary flows south along the eastern property line and joins with the unnamed tributary. The site is located in the Potomac River watershed. There are floodplains, Waters of the US, and wetlands associated with the stream. The predominant soil types on the site are Aura, Bibb, and Croom. These soil series generally exhibit moderate to severe limitations to development due to high water table, flood hazard, poor drainage, and seasonally high water table. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. There are no known rare, threatened, or endangered species in the general region listed by the State of Maryland.

The noise study stamped as received by the Countywide Planning Division on January 16, 2002, meets the requirements for a Phase I noise study. It was noted in the impact section of the report that buildings are proposed within the 65 dBA noise contour. A Phase II noise study should be required to provide the necessary minimum noise level reduction to ensure an acceptable noise level for residential uses.

The 1981 *Adopted and Approved Master Plan Subregion VII* indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 42 of the plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

For the purposes of this review, these areas include the expanded stream buffer and any isolated sensitive environmental features. All disturbance not essential to the development of the site as a whole is prohibited within stream buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], streets and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Variation requests to the Subdivision Regulations are required for any proposed impacts to protected environmental features.

The Preliminary Plan of Subdivision shows streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, a 100-year floodplain, and all slopes exceeding 25 percent and all slopes between 15 and 25 percent containing highly erodible soils; however, the expanded stream buffer is not clearly shown and should be revised accordingly.

The plan proposes impacts to stream buffers and wetland buffers. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113 as discussed further in Finding 14.

5. **Community Planning**—The subject property is located within the limits of the 1981 *Adopted and Approved Master Plan Subregion VII*, Planning Area 80, in the Friendly-Chapel Hill community. The master plan land use recommendation for this property is for a public/quasi-public land use and recognizes the existing church use on the property. The 2002 General Plan locates the property in the Developing Tier. The proposed land use is consistent with the recommendation of the master plan and General Plan.

The master plan indicates a Condition Reserve Area on the property corresponding with the stream on the north property line. The Environmental Planning Section is recommending a conservation easement be placed over this portion of the property with the exception of the areas that have variations approved for specific impacts.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the proposed subdivision is exempt from the requirement of the mandatory dedication of parkland because the proposed parcel is greater than one acre.
7. **Trails**—There are no master plan trail issues associated with this application.
8. **Transportation**—The applicant proposes three lots, two of which will be developed with 150 units of elderly housing in two mid-rise buildings. The third lot would contain the existing church facilities on the property, and these facilities are not proposed for expansion as a result of this subdivision.

No traffic study was requested of the applicant nor was one submitted for review. Upon initial submittal, there was a request for traffic-related data. There was further discussion with the applicant, however, with general agreement that the impact of the case could be further reviewed without new traffic information. 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*.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for

Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The application is a preliminary plan of subdivision for three lots, two of which are proposed to contain an elderly housing facility of two buildings (one building on each lot), with the third lot to contain existing church facilities on the site that are not proposed for change or expansion. It was determined that the intersection of MD 210 and Fort Washington Road should be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by the State Highway Administration dated November 2000. These counts indicate that the critical intersection operates at LOS D, with a CLV of 1,439 during the AM peak hour. During the PM peak hour, the intersection operates at LOS D, with a CLV of 1,445.

Five developments have been identified—Aragona Village, Breath of Life Seventh Day Adventist, Potomac Knolls, Riverview Reserve, and Tent Landing, which must be included in consideration of background traffic. Growth along MD 210 is assumed to be two percent per year. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS E, with a CLV of 1,572; PM peak hour—LOS E, with a CLV of 1,576.

The applicant proposes 150 units of elderly housing. The Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 6th Edition*, indicates that each dwelling unit within an elderly apartment complex would generate 0.07 trip during the AM peak hour and 0.1 trip during the PM peak hour. The 150 units would therefore generate 11 AM trips and 15 PM trips.

The applicant did take issue with the trip generation rate, stating that there are minimal employees on the site (while the complex will have a community room with organized activities, unlike many complexes there will be no meal service, no maid service in individual units, and no individual care) and little likelihood that residents would travel during peak hours. Reading the description of the use, the manual states "it is sometimes a self-contained village" and "may also contain... dining facilities...and supporting retail facilities." The additional language provided justification for staff to survey a similar facility in Laurel of 125 units developed by the same applicant.

Based on two weekday observations by the transportation planning staff during both AM and PM

peak hours during the week of September 29, 2003, an average of 4.5 trips during the AM peak hour and 14 trips during the PM peak hour were observed at the Laurel site. This suggests a trip rate of 0.036 trips per unit during the AM peak hour and 0.112 trips per unit during the PM peak hour. Based on these observations, the 150 units would generate 5 AM and 17 PM peak-hour trips. The site was analyzed using the following trip distribution:

| | | |
|--------------------------------|-----|-----|
| MD 210 from the north: | 50% | |
| MD 210 from the south: | | 35% |
| Service road from the south: | | 5% |
| Fort Washington Road from west | | 10% |

With the site added, the critical intersection would operate as follows: AM peak hour—LOS E, with a CLV of 1,573; PM peak hour—LOS E with a CLV of 1,576.

In the AM peak hour, the site generates five peak-hour trips. Due to the limited trip generation of the site during the AM, the Prince George's County Planning Board could deem the site's impact at the critical intersection to be de minimus.

In the PM peak hour, it should be noted that the CLV under total traffic is identical to the CLV under background traffic. This has occurred because the subject property would not add trips to the critical movements of the MD 210/Fort Washington Road intersection during the PM peak hour. As a result, it has no significant impact on the operations of the intersection. Because the impact of the subject property is insignificant during the PM peak hour, although the intersection operates worse than LOS D under total traffic during the PM peak hour, it would not be the responsibility of the subject property to make improvements that resolve the PM peak-hour inadequacy. To summarize, the Planning Board "measures" the impact of a development using the critical lane volume, and because all trips generated by the development occur in noncritical movements during the PM peak hour, the critical lane volume does not change with the development of the subject property. The recommendation should include a trip cap on the subject property consistent with the analysis that has been done.

The site is adjacent to a planned interchange at MD 210/Fort Washington Road. Although the master plan right-of-way avoids the site, the preferred alternate that has been identified in the state's project planning study for MD 210 would have an impact on the subject property. At this point, it appears that proposed buildings would be located outside of the range of impact. But because the current alternative is not a selected alternate, no right-of-way reservation is being sought at this time and no right-of-way dedication in accordance with the master plan is required.

Based on the preceding findings, the Planning Board 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.

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 subdivision is exempt from the APF test for schools because it is commercial use only.

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 Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road has a service travel time of 0.19 minutes, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road has a service travel time of 0.19 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road has a service travel time of 0.19 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road has a service travel time of 4.83 minutes, which is beyond the 4.25-minute travel time guideline.

The above findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* 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, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Fort Washington Manor development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/02, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. This police facility will adequately serve the population generated by the subdivision.

12. **Health Department**—The Health Department notes that there is an abandoned well to the rear of the existing rectory that must be backfilled and sealed prior to final plat approval. In addition, the applicant must obtain raze permits from the Department of Environmental Resources prior to any

structure being removed.

13. **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, # 24006-2001-00, 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. **Variation to Section 24-130**—Sections 24-130(b)(6) and (7) of the Subdivision Ordinance provide for the protection of streams and the associated buffers that compose the expanded buffer. The expanded buffer includes the 50-foot stream buffer, adjacent wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), and adjacent slopes between 15 and 25 percent on highly erodible soils (steep slopes).

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. **The granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- 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.**
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- 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.**

Revised variation requests were accepted for processing on June 10, 2003. The justification statement describes the three individual impacts shown on the exhibit in the variation request. In total, impacts are proposed to 6,200 square feet of expanded buffer, 1,100 square feet of wetland, and 75 linear feet of stream. Two impacts are needed to connect the proposed development to an existing sanitary sewer line within the stream valley. One impact is required to provide an outfall for the proposed stormwater management pond. The plan shows minimization of impacts by the placement of one of the sewer lines and the stormwater management outfall in proximity.

Staff supports the variation requests as submitted because it appears that all of the necessary findings of Section 24-113 can be made. The granting of the variations will not be detrimental to the public safety, health, or welfare, or be injurious to other property because they are very limited in scope and will allow for the necessary connections to the existing sewer line and the proper discharge of stormwater. The conditions are unique to the property because the locations for the impacts are dictated by the locations of existing features and the topography of the site. By not granting the variation, there would be a particular hardship to the property owner because there are no other existing sewer lines available and the discharge of stormwater must occur in the location proposed because of the site's topography.

If the variation requests are approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property.

The granting of the variation requests will not constitute a violation of any other law, ordinance, or regulation because the other laws, ordinances, and regulations will be addressed during subsequent reviews, approvals, and permitting processes. State laws overseen by the Maryland Department of the Environment allow for impacts to nontidal wetlands if the necessary permits are obtained. This mechanism within these laws allows for the approval of this variation so that it does not constitute a violation of applicable laws, ordinances, or regulations.

15. The subject property is located on Tax Map 123, Grid B-3 and is known as part of Parcel 123. Parcel 123 was the subject of a lot line adjustment deed dated May 13, 2003. The lot line adjustment was between Parcels 123 and Parcel 175 to the north. The deed adjustment was done pursuant to the provision of Section 24-107(c)(9) of the Subdivision Regulations. A copy of the recorded document should be provided by the applicant prior to the approval of the final plat of subdivision.

The applicant is proposing to subdivide this part of Parcel 123, approximately 23.59 acres, into three parcels. Parcel A will contain the existing church, rectory, day care center, and several accessory structures. Parcel B and C are to be developed with a planned retirement community of 150 dwelling units maximum. Development of the property is subject to special exception (SE-4424) for the planned retirement community, approved on May 23, 2002. The day care center is the subject of DSP-99042/01. The special exception application included the entire 23.59 acres that is the subject of this preliminary plan application. The proposed subdivision is

intended to provide for the fee-simple ownership of property for funding purposes. However, these properties are tied together for development purposes because of the access, parking and use.

The subject property has frontage on the east side of the service road for MD 210. The applicant is proposing to utilize the existing site access for Parcels A, B and C. Pursuant to Section 24-128(b)(9) of the Subdivision Regulations, staff recommends that one point of access be provided for the three proposed parcels. Section 24-128(b)(9) provides:

“Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11, Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.”

Although the site access is via a service road, the intersection of MD 210 at Fort Washington Road and the service road is directly in front of the property. The current site access is north of that signalized intersection. If access is unrestricted along the property's frontage, a driveway entrance could be proposed at that intersection. Staff finds that by restricting access along the property's frontage to one entrance location, as it currently exists, the site traffic is routed in a more orderly fashion than what could be achieved with unrestricted access. A cross access and parking easement would be required at the time of approval of the final plat of subdivision and the deed reference of that document reflected on the final plat.

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 Harley, with Commissioners Lowe, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 16, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of November 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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