

R E S O L U T I O N

WHEREAS, Barry P. and Debra G. Rath are the owners of a 6.29-acre parcel of land known as Parcel 26, said property being located on Tax Map 8, Grid F3, and said property being in the 1st Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 30, 2003, Apostolic United Pentecostal Church, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03074 for Apostolic United Pentecostal Church 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 January 29, 2004, 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 January 29, 2004, 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/52/03), and further APPROVED Preliminary Plan of Subdivision 4-03074, Apostolic United Methodist Church for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. A stormwater management concept plan shall be approved. The approval date and number shall be added to the preliminary plan.
 - b. The TCPI shall be revised as follows:
 - (1) Show a limit of disturbance for the proposed clearing.
 - (2) Include a table that indicates which specimen trees will be saved and which ones will be removed.
 - (3) Show the method of stormwater management to be used on the site and show all appropriate outfalls. If the areas of woodland conservation are impacted, make

all necessary changes to the TCPI.

- (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. Development of this site shall be in conformance with the approved stormwater management concept plan, or any revisions thereto.
3. The following note shall be placed on the final plat:

“An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”
4. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/52/03). 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/52/03), 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.”
5. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits.
6. The applicant, his heirs, successors and/or assignees shall construct a six-foot-high, sight-tight privacy fence along the northern property line where it abuts the first three lots to the north.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Old Gunpowder Road, approximately 600 feet north of Aitcheson Road and 2,000 feet south of Greencastle Road in the Laurel/Beltsville area.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use	Vacant	Church and Fellowship Hall
Acreage	6.29	6.29
Parcels	1	1
Square-footage	0	10,500 (Church) and 10,000 (Fellowship Hall)

4. **Environmental**—A review of the information available indicates that the site does not contain streams, wetlands or 100-year floodplain. This site is predominantly wooded and is located in the Indian Creek watershed, which drains into the Anacostia River. The predominant soils found to occur on this property, according to the Prince George’s County Soil Survey, are the Croom and Gravel and Borrow Pit soils. The Croom soils are considered highly erodible and the Gravel and Borrow Pit soils contain unknown material. No Marlboro clay has been identified on this site. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. There are no designated scenic or historic roads in the vicinity of this project. No transportation-related noise has been found to impact this property. The site is in the Developing Tier according to the approved General Plan.

Woodland Conservation

A detailed Forest Stand Delineation (FSD) was submitted with this application. The FSD was reviewed and was found to address the requirements for an FSD.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. The TCPI submitted with this application, TCPI/52/03, has been reviewed and was found to require revisions. Prior to signature approval of the preliminary plan, the TCPI needs to be revised to show a limit of disturbance, a table regarding specimen trees, and the method of stormwater management. A qualified professional needs to sign and date the plan as well.

Soils

The principle soils on this site are the Gravel and Borrow Pit soils. These soils are unknown in nature and may contain areas of unconsolidated fill. Although the origin and nature of the soils on site do not impact the proposed preliminary plan, they could affect the construction of the proposed building. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit review process.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-4; it will be served by public systems.

5. **Community Planning**—The property is in PA60/Northwestern Area. The 2002 General Plan places this property in the Developing Tier. The vision for the Development Pattern in the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit-serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1990 master plan for Subregion I recommends residential land use at the Low-Suburban density. The 1990 Sectional Map Amendment for Subregion I retained this property in the R-R Zone. Churches are permitted in residential zones; therefore, the application conforms to the land use recommendations in the 1990 master plan for Subregion I.

6. **Parks and Recreation**—The proposal is exempt from the mandatory parkland dedication requirement of Section 24-134 of the Prince George's County Subdivision Ordinance, because the parcel is greater than one acre in size. In addition, no residential uses are proposed.
7. **Trails**—The adopted and approved Subregion I master plan includes two proposed trail facilities impacting the subject site. A master plan trail is proposed along Gunpowder Road. This trail is being implemented along the west side of Gunpowder Road and does not impact the subject site. There are no master plan trails issues associated with this proposal.
8. **Transportation**—The application is a proposal for a 500-seat church sanctuary building totaling 10,500 square feet plus a related 10,000-gross-square-foot fellowship hall. The proposed development would generate 15 AM and 14 PM peak-hour vehicle trip as determined using the ITE trip generation rates for a church (Land use # 560). Due to the size of the subdivision, staff has not required that a traffic study be done.

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 signalized intersection of Old Gunpowder Road and Briggs Chaney Road is determined to be the critical intersection for the subject property. This intersection is the nearest major intersection to the site and would serve virtually all of the site-generated traffic. Based on this analysis, the

critical intersection is currently operating acceptably in both peak hours and would continue to operate at LOS D or better with the added traffic from the proposed development.

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**—The Historic Preservation 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 CR-38-2002). The proposed subdivision is exempt from the adequacy 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.
 - a. The existing fire engine service at Beltsville Fire Station, Company 41, located at 3939 Powdermill Road, has a service travel time of 4.12 minutes, which is beyond the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Beltsville Fire Station, Company 41, has a service travel time of 4.12 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 10.94 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station Beltsville, Company 41 is 4.12 minutes from the development. This facility would be within the recommended travel time for paramedic service.
 - d. The existing ladder truck service at Beltsville Fire Station, Company 31, located at 4911 Prince George's Avenue, has a service travel time of 4.73 minutes, which is beyond the 4.25-minute travel time guideline.

These findings are in conformance with the 1990 *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities." To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, 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 VI-Beltsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Apostolic United Pentecostal Church 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 June 30, 2002, 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 additional 69 sworn personnel.

12. **Health Department**—The Health Department noted that “the remains of two motor vehicles” were found on the property. These need to be removed and properly discarded.
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 has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**^{3/4} There are no known cemeteries on or adjoining the property.
15. **Public Utility Easement**—The preliminary plan includes the proposed ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. At the hearing, owners of neighboring property to the north testified that they were concerned about the intrusion on their privacy from the church and parking lot. Although the *Landscape Manual* requires a bufferyard between the church site and the adjoining homes, the applicant proffered to construct a privacy fence along the property lines affected. The neighboring citizens expressed agreement with that proffer and the inclusion of a fence along the northern property line is included as a condition of approval.

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, January 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of February 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:meg