

R E S O L U T I O N

WHEREAS, Wat Tummaprateip VA-DC Foundation, Inc. is the owner of a 27.49-acre parcel of land known as Parcel 19, Tax Map 152 in Grid A-2, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 12, 2004, Wat Tummaprateip VA-DC Foundation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04073 for Wat Tummaprateip 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 21, 2005, 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 21, 2005, 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/33/95), and further APPROVED Preliminary Plan of Subdivision 4-04073, Wat Tummaprateip for Lot 1 with the following conditions:

1. A Type II tree conservation plan shall be approved prior to the issuance of any permits.
2. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions thereto.
3. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall

provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Farmington Road, designated as a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.

5. The applicant, his heirs, successors and/or assignees shall provide minimum four-foot-wide asphalt shoulders to safely accommodate bicycle traffic along the subject site's entire road frontage of Farmington Road, per the concurrence of DPW&T.
6. 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.
7. The 40-foot-wide landscape buffer adjacent to Farmington Road shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”
8. The Type II tree conservation plan shall show the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Farmington Road. The landscaping shall be found to be sufficient to preserve the historic character of Farmington Road by the Planning Board or its designee.
9. Prior to signature approval of the preliminary plan, a wetland study shall be provided that clearly delineates the existing wetlands and the existing stream system. All plans shall be revised to show the wetlands per the study.
10. Prior to signature approval of the FSD, it shall be revised to contain all required information and be in conformance with the wetland study.
11. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised to:
  - a. Show conceptual grading based on all required features including stormwater management.
  - b. Show a limit of disturbance that includes all the proposed development including the sanitary sewer connection.
  - c. Show all environmental features and their buffers correctly and clearly.

- d. Eliminate all areas less than 35 feet in width from contributing to woodland conservation.
  - e. Do not show areas as being cleared and counted as preservation.
  - f. Provide any other revisions deemed necessary for conformance with the Woodland Conservation Ordinance.
  - g. Revise the worksheet as needed.
  - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.
12. Prior to signature of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the accurate location of all existing environmental features and the expanded stream buffer on the plan and in the legend.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffer and the expanded stream buffer and be reviewed by the Environmental Planning Section prior to final plat approval. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
14. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan and letter shall be submitted. The plan shall not show impacts to any of the existing woodlands on the site beyond that shown on the TCPI.
15. At the time of final plat approval, the applicant shall dedicate a right-of-way along Farmington Road of 40 feet from the master plan centerline.
16. The final plats for the subject property shall indicate the future MD 210 right-of-way as a building restriction line. This line shall be coincident with the line that is shown on the approved plan for 4-95044 as the “Lucas R/W” line and depicted on the final plats for the Heron Creek Property 4-04164.
17. The final plat shall also include a note stating that (1) the 1993 Subregion V Master Plan has indicated a potential need for a future interchange at MD 210 and Farmington Road, and (2) that the potential right-of-way impact is reflected on the plat.
18. The applicant will be responsible for any frontage improvements along Farmington Road, including a westbound bypass lane, if required by DPW&T.

19. Total development within the subject property shall be limited to 19,760 square feet of temple/monastery, or equivalent development that generates no more than 5 AM and 5 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new 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 site is located on the south side of Farmington Road West, 1,000 feet west of its intersection with MD 210.
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
Uses	Monastery/Temple	Monastery/Temple
Acreage	27.49	27.49
Lots	0	1
Parcels	1	0
Square Footage/GFA	3,100 (to be removed)	19,760

4. Environmental—A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils occur on the property. There is no 100-year floodplain on the site. Indian Head Highway is an adjacent source of transportation-related noise. According to the “Prince George’s County Soil Survey,” the soils on the site are in the Elkton, Keyport and Mattapex series. According to available information, Marlboro clay does occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “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. Farmington Road is a designated historic road. This property is located in the Piscataway Creek watershed of the Potomac River basin and is in the Developing Tier as reflected in the adopted General Plan.

#### Noise

Indian Head Highway is a nearby source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the 65 dBA Ldn ground level noise contour is 385 feet from the centerline of Indian Head Highway. The centerline of Indian Head Highway and an

unmitigated 65 dBA Ldn ground level noise contour are shown on the preliminary plan and the TCPI.

### **Historic Roads**

Farmington Road is designated in the Subregion V Master Plan as a historic road. Although the master plan proposes that the existing rural roadway be upgraded to two-lane rural collector standards, there are historic characteristics that should be identified and preserved as part of the proposed subdivision.

The Design Guidelines and Standards for Scenic and Historic Roads provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision "...a team [to include M-NCPPC staff] will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation." A visual inventory was submitted with the application.

The preliminary plan shows a 40-foot-wide landscape buffer adjacent to the 10-foot public utility easement along Farmington Road but the TCPI does not. This area is currently mostly unwooded. The area is shown on the revised plans as a landscape area to provide a visual buffer from the historic road where one does not currently exist.

### **Woodland Conservation**

The revised forest stand delineation (FSD) has been reviewed. The plan no longer shows the soils boundaries as required, has a label for areas of wetlands but does not show them, shows what appears to be a stream centerline but it is not labeled and the symbol is the same as several others in the legend, the existing tree line has been removed, and the forest stand boundaries have been removed. The wetland areas shown are different on the FSD from those shown on other plans. In fact, the wetland areas on the FSD, the preliminary plan, and the TCPI are all shown differently. A wetland study is required in order to verify the locations of the existing environmental features. It should be noted that the proposed development does not impact any of the existing environmental features, and as such, the information regarding their location is required for informational purposes only and not for the need to evaluate potential impacts.

Four forest stands and 13 specimen trees were identified on the FSD in a small-scale drawing on the second sheet. Forest stand 1 covers approximately 1.17 acres in the southeast corner of the site. This mature mixed hardwood woodland is dominated by red maple, oaks and tulip poplar with an average diameter at breast height of 20 inches. There are few invasive plant species. Although this woodland is small and isolated with no sensitive environmental features, it serves as a significant buffer from Indian Head Highway and is an area rating a moderate preservation priority.

Forest stand 2 covers approximately 3.91 acres in a southwestern portion of the site. An examination of air photos indicated that this band follows a property line that was established prior to 1938. This mature woodland is dominated by tulip poplar, red maple, and sweet gum with an average diameter at breast height of 18 inches. The portion containing wetlands and expanded stream buffer is a high priority area for preservation.

Forest stand 3 is a narrow band covering approximately 0.34 acre along the western boundary line. An examination of air photos indicated that this band occurs as natural regeneration of a field. The woodland is dominated by saplings of sweet gum, red maple, and willow and has bamboo as an invasive plant. The portion containing expanded stream buffer is a high priority area for preservation.

Forest stand 4 is a mature woodland covering approximately 3.52 acres in the northwestern portion of the property. This woodland is dominated by red maple, sycamore, tulip poplar, and sweet gum woodland with trees averaging 16 inches diameter at breast height. The portion containing wetlands and expanded stream buffer is a high priority area for preservation.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved Type I tree conservation plan. A revised Type I tree conservation plan was submitted and reviewed. Many revisions are required in order for the plan to be in conformance with the Woodland Conservation Ordinance. As noted above, the sensitive environmental features on the site are not to be disturbed by the proposed development.

### **Streams, Wetlands and Floodplain**

Section 24-130(b)(6) of the Subdivision Ordinance requires that streams and their associated 50-foot buffers be shown on the preliminary plan of subdivision. A stream is shown on the plan; and the 50-foot stream buffers are shown. Section 24-130(b)(7) of the Subdivision Ordinance requires that wetlands and their associated 25-foot wetland buffers be shown on the preliminary plan of subdivision. A wetlands study was not submitted with the application. The limits of wetlands and their associated 25-foot wetland buffers are shown differently on the different plans. The expanded stream buffer required by Section 24-130 of the Subdivision Regulations is not clearly delineated on the Preliminary Plan or the TCPI. No impacts to the expanded stream buffer are proposed.

### **Soils**

According to the Prince George's County Soil Survey, the soils on the site are in the Elkton, Keyport and Mattapex series. According to available information, Marlboro clay does occur in the vicinity of this property. Elkton soils are highly erodible, have high water tables, poor drainage, and often contain wetland areas. Keyport and Mattapex soils are highly erodible, have seasonally high water tables with impeded drainage, and may contain wetland inclusions. Marlboro clay is predicted to occur in the shallow subsurface in the southwestern area of the site.

There are no slope stability issues; however, care must be taken with foundation construction. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This development will rely on public systems.

5. **Community Planning**—The property is in Planning Area 83/Accokey. The 2002 General Plan places the property in the Developing Tier. The vision for 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 1993 Subregion V Master Plan recommends low-suburban residential land use at up to 2.6 dwelling units per acre. This application conforms to the master plan recommendation.
6. **Parks and Recreation**—The site is exempt from mandatory dedication because it consists of a nonresidential development.
7. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and a March 2004 count for the intersection of MD 210 and Farmington Road was provided. Therefore, 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 site is 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.

### Analysis of Traffic Impacts

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 210 and Farmington Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Existing Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/Farmington Road	1,407	1,433	D	D

The guidelines identify signalized intersections operating at LOS D with a critical lane volume of 1,450 or better during both peak hours as acceptable. The AM and PM peak hour levels of service are acceptable under existing conditions.

The transportation staff has reviewed approved development and assumed a one percent annual growth rate for through traffic along MD 210.

Background Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/Farmington Road	1,420	1,446	D	D

Under background conditions both the AM and PM peak hour levels of service are within acceptable standards for the developing tier as defined in the guidelines.

The site is proposed for development as a religious temple/monastery of 19,760 square feet. An existing single-family dwelling is currently being used as a worship facility. Field visits to the site indicated that vehicles are present on site but some are abandoned vehicles, according to staff from the County's Department of Environmental Health. The applicant's representatives have indicated that there will be no new AM or PM peak-hour trips at the site. Staff has learned that the resident monks at the existing facility occasionally require assistance from someone with a vehicle. The temple does not have structured religious services, per se, but is available for individual worship as the need arises and time permits. The Institute of Transportation Engineers has trip rates for traditional churches and synagogues but nothing for the proposed use.

Staff anticipates a minimal amount of AM or PM peak-hour trips for the proposed use, additionally, the current trips, if any, during the AM and PM peak hour, are accounted for or reflected in the existing traffic count. The applicant's representatives have stated that they do not anticipate any new AM and PM trips at the proposed site. Similar uses in Montgomery County,

provided there is no day care or school space on site, generate some trips on weekends, but not during the weekend peak hour.

Under a scenario where 5 or fewer new AM and PM peak-hour trips would utilize the critical intersection of MD 210 and Farmington Road, staff calculated the levels of service. Under this scenario the AM and PM peak hour levels of service remain within acceptable standards for the developing tier.

Total Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 210/Farmington Road	1,421	1,447	D	D

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that the intersection of MD 210/Farmington Road would operate acceptably during the AM and PM peak hours. Due to the limited trip generation of the proposed site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus.

Farmington Road is listed in the Subregion V Master Plan (1993) as a two-lane rural collector with an 80-foot right-of-way. The applicant will be required to dedicate 40 feet from the master plan centerline of Farmington Road. A future interchange is also shown at the intersection of MD 210 and Farmington Road in the Subregion V Master Plan (1993).

In March 2005, Preliminary Plan 4-04164 (Heron Creek) was approved with a condition identifying and recognizing the "Lucas R/W" line associated with the future interchange. This line was determined through study by the staff in 1995 and considered under Preliminary Plan 4-95044. It was recommended that the future right-of-way line, represented by the "Lucas R/W" line on the approved 1995 subdivision plan, be established as a building restriction line on record plats. The

plats were also to include a note indicating that the Subregion V Master Plan (1993) shows a potential need for a future interchange and ramps at MD 210 and Farmington Road and that the potential right-of-way impact be reflected on the plats.

Staff recommends that the final plats for the subject property should indicate the future MD 210 right-of-way as a building restriction line, similar to the condition adopted for the Heron Creek property, if the "Lucas R/W" line is not currently within the existing right-of-way of MD 210.

The applicant will be required to make frontage improvements along Farmington Road, a county-maintained collector road. This may require construction of a bypass lane if required by

DPW&T.

### **Transportation Finding**

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions found at the end of this report.

The 1993 Subregion V Master Plan designates Farmington Road as a Class III bikeway. This road has also been included in the Potomac Heritage Trail on-road bike route for Prince George's County. Staff recommends the provision of a "share the road with a bike" sign along the subject site's frontage. Currently, the road is narrow with little or no shoulders in most areas. In recognition of its status as a scenic and historic road, a full seven- to ten-foot paved shoulder may not be desirable. However, staff recommends the provision of a paved shoulder to safely accommodate bicycle movement, even if it is somewhat narrower. Even a paved shoulder that is as little as four feet in width would greatly improve the bicycle compatibility of the roadway, while also providing a safety recovery zone for cars.

### **Sidewalk Connectivity**

Roads are open section with no sidewalks in the vicinity of the subject site.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the review for schools because it is a nonresidential use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this institutional subdivision plan (not subject to CB-89-2004) for adequacy of public facilities and concluded the following:

The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 3.62 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 3.62 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road has a service travel time of 6.67 minutes, which is within the 7.25-minute travel time.

The existing ladder truck service at Oxon Hill Fire Station, Company 45, located at 7710

Livingston Road has a service travel time of 11.64 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed for the subject commercial development, an automatic fire suppression system should 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.

The above findings are in conformance with the standards and guidelines contained in the *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 Police District IV-Oxon Hill. The Planning Board's current test for police adequacy applicable to the subject application for commercial development 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and reminds the applicant that once the property is connected to public water and sewer, all wells and septic systems will need to be backfilled and sealed in accordance with COMAR regulations. Also, they noted a number of abandoned vehicles and one 55-gallon drum on the site that must be either properly stored or 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 has been submitted, but is not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with an approved plan.
14. **Historic/Cemeteries**—This site has a moderate to high possibility for archeological sites. It is near a number of historic Native American burial sites. Prehistoric archeological sites are known to exist in settings similar to that in the project area. Phase I archeological investigations should be conducted in accordance with *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to all public roads. This easement will be 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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 21, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of May 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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