

R E S O L U T I O N

WHEREAS, Westphalia United Methodist Church, Inc. is the owner of a 10.22-acre parcel of land known as Parcel 15, 297, 330, Tax Map 82, Grid D-4, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 21, 2004, United Methodist Church 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 4-04136 for Westphalia United Methodist 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 November 18, 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 November 18, 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/82/04), and further APPROVED Preliminary Plan of Subdivision 4-04136, Westphalia United Methodist Church, Inc. for Lot 1 with the following conditions:

1. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/82/04). The following notes shall be placed on the Final Plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/82/04), 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."
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area, excluding areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”

3. 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.
4. Prior to the issuance of permits, all trash and debris on the site shall be removed and discarded
5. A Type II tree conservation plan shall be approved prior to the issuance of any permits.
6. Development of the property shall be in conformance with the approved stormwater management concept plan CSD 30948-2004-00, or any approved revisions thereto. The number and date of this approval shall be noted on the plan.
7. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by DRD staff.. 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 archaeologist 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.
8. The proposed development shall be limited to uses that generate no more than 18 and 16 trips during the weekday AM and PM peak hours respectively.
9. 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.

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 at the northwest quadrant of the intersection of D’Arcy Road and Westphalia Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-55
Uses	Sheds	Church
Acreage	10.22	10.22
Lots	0	1
Parcels	3	0

4. **Environmental**—A review of the available information indicates that streams, wetlands, areas of 100-year floodplain, severe slopes in excess of 25 percent and steep slopes between 15 and 25 percent with highly erodible soils are found to occur within the limits of this application. No transportation-related noise generators with a classification of arterial roadway or higher have been identified in the vicinity of this property. The soils found to occur according to the Prince George's County Soil Survey include Beltsville silt loam, Bibb silt loam, Croom gravelly loam, Gravel and borrow pits, Leonardtown silt loam and Sassafras sandy loam. With the exception of the Sassafras soils, each of the other soil groups have limitations that would affect the construction phase of the development but will not adversely affect the lotting pattern. According to available information, Marlboro clay is not found to occur on this property. 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. Westphalia Road, which is located approximately 100 feet south of this property, is a designated historic road. This property is located in the Southwest Branch watershed of the Patuxent River basin. The property is further located in the Developing Tier as reflected in the approved General Plan.

Woodland Conservation

The revised Detailed Forest Stand Delineation (FSD) date stamped as received by the Environmental Planning Section on October 18, 2004, was found to address the requirements for a Detailed Forest Stand Delineation in accordance with the Woodland Conservation Technical Manual. This site has three distinct stands that cover 9.22 acres or 90 percent of this 10.22-acre site. The forest stands identified on this property were characterized as being of generally low retention value with the exception of the bottomland hardwood stand, Stand C, which is located within the limits of the Patuxent River Primary Management Area, PMA.

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 and there are more than 10,000 square feet of existing woodland on-site. There are no previously approved Tree Conservation Plans for this site. This 10.22-acre property in the R-R Zone has a Woodland Conservation Threshold of 20 percent or 2.04 acres and a replacement requirement of 1.50 acres associated with the clearing of 6.00 acres of woodland above the Woodland Conservation Threshold. The 3.54-acre requirement is proposed to be satisfied by the preservation of 3.60 acres of woodlands on-site including all the woodlands identified as being high priority woodlands for retention. The Type I Tree Conservation Plan, TCPI/82/04, date stamped as

received by the Environmental Planning Section on October 18, 2004, addresses the requirements of the Prince George's County Woodland Conservation Ordinance and is recommended for approval subject to the condition noted below.

Streams, Wetlands and Floodplain

Streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils, and severe slopes are found on this property. These features along with their respective buffers comprise the Patuxent River Primary Management Area or PMA. These features and the associated buffer are correctly shown on the plan's date stamped as received by the Environmental Planning Section on October 18, 2004.

The Subdivision Ordinance, Section 24-130(b)(5) requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification date stamped as received by the Environmental Planning Section on October 18, 2004, identifies two impacts to the PMA. Both of the proposed impacts are associated with the construction of the stormwater management facilities on this site. The first impact is necessary for the construction of the bioretention facility in the west central portion of the property near the southern-most wetland area. This facility, although clearing a portion of the wetland buffer, will ultimately enhance and possibly expand the wetland because this facility is intended to collect the stormwater where a combination of infiltration and evapotranspiration will occur. The second impact is associated with the storm drain outfall from the underground storage facility. This impact will allow for the safe transport of the stormwater to the stream and wetland system on this site. Both of the proposed PMA impacts are supported by the Environmental Planning Section.

Noise

This property is located within the noise impact zone for Andrews Air Force Base. According to the 1998 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property are approximately 68 dBA Ldn. These noise levels are within the state noise standards for the proposed use.

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 utilize these public facilities.

5. **Community Planning**—The property is in Planning Area 78/Chester Grove and vicinity. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented medium- to high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1994 Melwood-Westphalia master plan recommends low-suburban densities for single-family residences. This application does not impair the master plan recommendation.

6. **Parks and Recreation**—The site is exempt from mandatory dedication because it consists of a nonresidential development.
7. **Trails**—One master plan trail impacts the subject property. The 1994 master plan for Bladensburg-New Carrollton and vicinity recommends a bikeway facility along Edmonston Road. Most of the existing road is in open section, but the subject site includes curb, gutter and existing sidewalk. Placement of bikeway signage is recommended.
8. **Transportation**—The Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th Edition, lists churches as having a trip rate of 0.72 trip per 1,000 square feet of gross floor area (GFA) during the AM peak hour, and 0.66 trip per 1,000 square feet of GFA during the PM peak hour. Additionally, the ITE manual shows a trip rate of 11.76 trips/1,000 square feet of GFA on Sundays. The applicant is proposing a church with a floor area of 24,696 square feet. Based on the ITE rates, the proposed church facility would generate 18 AM and 16 PM peak-hour vehicle trips on weekdays, and 290 trips during the peak hour on Sundays.

The traffic generated by the proposed preliminary plan would impact the intersection of Westphalia Road and D'Arcy Road. This 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:

The subject property is located within the Developing Tier as defined in the 2002 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 Westphalia Road / D'Arcy Road intersection, when analyzed with existing traffic was found to be operating with a level-of-service (LOS) of C/15.5 seconds during both the AM and PM peak hours. When the subject intersection was analyzed under total traffic conditions, the resulting LOS was C/15.8 seconds during the AM peak hour and C/15.6 seconds during the PM peak hour. In some communities, where a church is located in close proximity to high-volume shopping and retail facilities, a traffic analysis would be recommended for Saturdays and Sundays in addition to the customary weekday peak operations. However, staff did not consider a Sunday analysis for this intersection, since a heavier than normal traffic flow along the Westphalia Road corridor is not anticipated.

The proposed preliminary plan did not offer specific uses for the property beyond traditional church-related activities. Consequently, staff's finding of adequacy was predicated on the property generating 18 and 16 trips during the AM and PM peak hours respectively. In light of this finding, the property should be limited to such uses that generate no more than 18 and 16 trips during the AM and PM peak hours respectively.

Regarding on-site circulation, staff has no issues.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with a condition limiting the number of weekday peak-hour trips.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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 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.

The existing fire engine service at Forestville Fire Station, Company 23, located at 8311 Old Marlboro Pike has a service travel time of 2.46 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23, located at 8311 Old Marlboro Pike has a service travel time of 2.46 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 9.99 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 7.72 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic service located at Kentland Fire Station, Company 46, is beyond the recommended travel time guideline. The nearest fire station (Forestville Fire Station, Company 23) is located at 8311 Old Marlboro Pike, which is 2.46 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility were made by the county.

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.

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 II-Bowie. 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 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 a raze permit will be required prior to the removal of any building on the site. Also, they noted a significant amount of trash and other debris has been illegally dumped on the property. This must be removed prior to final plat approval.
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, 30948-2004-00, has been approved. The number and date must be noted on the plan. Development must be in accordance with this approved plan or any revisions thereto.
14. **Cemeteries**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This property is close to, and may be a part of, the F. Bowie plantation, documented to have been in this area pre-Civil War.

It is possible the site was actively farmed, and it is also possible that there were slave dwellings and slave burials on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to approval of the final plat, the applicant should submit a Phase I archeological investigation to the DRD staff for review and concurrence and a Phase II and Phase III investigation if determined appropriate. The final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources if necessary. All investigations must be conducted by a qualified archaeologist 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.

15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to D'Arcy Road.

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, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 18, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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