

R E S O L U T I O N

WHEREAS, New Birth Christian Church is the owner of a 6.9-acre parcel of land known as Parcels 307 and 308, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on March 15, 2006, New Birth Christian Church, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05153 for New Birth Christian 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 June 15, 2006, 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 June 15, 2006, 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/13/06), and further APPROVED Preliminary Plan of Subdivision 4-05153, New Birth Christian Church, including a Variation from Section 24-113 for Parcel A with the following conditions:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, except for the two areas of impact approved, 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.”
2. Prior to the issuance of any permits which 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.

3. Prior to signature approval of the Preliminary Plan of Subdivision, the Type I tree conservation plan shall be revised to:
 - a. Provide a consistent symbol for the proposed limit of disturbance;
 - b. Correct the legend for the symbol used for wetlands;
 - c. Label the preservation area with the acreage proposed;
 - d. Provide the standard Type I tree conservation plan notes;
 - e. Have the revised plan signed and dated by the qualified professional who prepared the plan.
4. Development of this subdivision shall be in compliance with the Type I tree conservation plan (TCPI/13/06) approved as part of this application.

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/13/06), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005."

5. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan shall be submitted for the official file.
6. Prior to the issuance of the grading permit, Department of Parks and Recreation (DPR) staff shall review and approve the grading plan. The grading plan shall include provisions for stabilization and restoration of the disturbed parkland to a condition acceptable to the DPR staff. DPR may require a performance bond prior to the issuance of a grading permit.
7. The applicant shall provide a standard sidewalk along the subject site's entire frontage of Meadowview Drive unless modified by DPW&T.
8. Total development within the subject property under this preliminary plan shall be limited to 37 AM and 38 PM peak hour vehicle trips. Any development greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
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.
10. Development must be in accordance with the approved Stormwater Management Concept Plan 46735-2005-00.

11. A note shall be placed on the final plat that prior to the issuance of building permits, the applicant shall have the partially filled open shallow well located near the existing block foundation cleaned out and properly backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department.
12. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

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. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-55	R-55
Use(s)	Vacant	Institutional
Acreage	6.9	6.9
Lots	0	0
Parcels	2	0
Units	1	1
Detached		
Mitigation		No

3. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for the New Birth Christian Church Property, 4-05153 and TCPI/13/06 stamped as received by the Environmental Planning Section on May 18, 2006. The Environmental Planning Section recommends approval of the Preliminary Plan of Subdivision, 4-05153, and TCPI/13/06 subject to the conditions at the end of this memorandum. This memo supersedes a previous memorandum from the Environmental Planning Section dated April 10, 2006.

Background

The Environmental Planning Section has no records of any previous applications for this property. The Preliminary Plan proposes the subdivision of a parcel totaling 6.90 acres in the R-55 zone for the construction of a church.

Site Description

The subject property is located on the southwest corner of Suitland Road and Meadview Lane. The site is characterized with terrain sloping toward the center of the parcel identified as a stream, and drains into unnamed tributaries of the Henson Creek. A review of the available information indicates that streams, 100-year floodplain, nontidal wetlands, severe slopes and areas of steep slopes with highly erodible soils occur on this property. There are transportation-related noise impacts associated with the site because it abuts Suitland Road, which is an arterial highway and is generally regulated for noise. However, noise is not a major consideration in the review because a church is proposed. According to the "Prince George's County Soil Survey" the principal soils are in the Keyport and Sassafras series. These soil types generally exhibit slight to moderate limitation to development due to seasonally high water table, slow permeability, poor stability, steep slopes, and high erosion potential. According to available information, Marlboro clay is not found to occur on this property. According to information published by the Maryland Department of Natural Resources, Natural Heritage Program, in their publication titled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties* (December 1997), rare, threatened, or endangered species are not found to occur in the vicinity of this property. No designated scenic or historic road is located along the frontage of this property. This property is located in the Henson Creek watershed of the Potomac River Basin and in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

Environmental Review

The preliminary plan application has signed Natural Resources Inventory (NRI/143/05), dated March 10, 2006, that was included with the application package. The preliminary plan shows all the required information correctly. No revisions are required for compliance to the NRI.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The expanded stream buffers are correctly shown on the preliminary plan and the Type I tree conservation plan. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, except for the two approved areas of impact, and should be reviewed by the Environmental Planning Section prior to approval of the final plat.

The plan proposes impacts to expanded stream buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113.

The expanded buffer is required to be preserved unless the Planning Board approves a variation request. A variation request for proposed impacts was submitted with the review package and shows impacts exclusively for the purpose of a stormdrain outfall and a WSSC sanitary sewer outfall.

Review of the Variation Request submitted

Impact Area 1, Storm Drain Outfall

The area of impact for the proposed storm drain outfall is located west of the proposed development within the expanded buffer area. The proposed buffer impact is the result of proposed stormdrain outfall with associated stone rip-rap. The total disturbed area is 1,421 square feet, or 0.03 acres of expanded stream buffer.

Impact Area 2, Sanitary Sewer Outfall

This request proposes the disturbance of 2,275 square feet or 0.05 acres of stream, stream buffer, and 100-year floodplain.

Staff supports these impacts because the site could not be developed without the associated stormwater management facilities.

The following is an analysis of the required findings of Section 24-113 with regard to the variations: 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:

- (1) The granting of the variation will not be detrimental to public safety or health, nor will it be injurious to other property;**

The variations are required to address the regulations associated with building construction, stormdrain outfall, and sanitary sewer outfall that will not be detrimental to public safety or health, nor injurious to other property. The impacts are necessary for the orderly development of the property and to protect public health, safety and welfare.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the placement of the associated expanded buffer and the required placement of the stormdrain outfall and sanitary outfall. The site is characterized with terrain sloping toward the center of the parcel identified as a stream, and drains into unnamed tributaries of the Henson Creek. A review of the available information indicates that streams, 100-year floodplain, nontidal wetlands, severe slopes and areas of steep slopes with highly erodible soils occur on this property.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

No other variances, departures, or waivers are required for this development. All appropriate local, federal and state permits must be obtained before the construction can

proceed.

- (4) 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;**

Due to the configuration of this site and the location of the expanded buffer, the extent of the proposed impacts are appropriate to allow for the development of the property under its existing zoning. The impacts are necessary for the orderly development of the property and to protect public health, safety and welfare.

Staff recommends that the Planning Board approve the areas of impacts as requested.

The proposed activity may require the permission of the appropriate state and/or federal agencies. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should 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.

This property is subject to the provisions of the Woodland Conservation and Tree Preservation 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. A Type I tree conservation plan is required.

Type I Tree Conservation Plan TCPI/13/06 has been reviewed and was found to require revisions. The plan proposes clearing 1.83 acres of the existing 4.31 acres of upland woodland and clearing of 0.07 acres of the existing 2.57 acres of woodland within the 100-year floodplain. The woodland conservation threshold is 0.86 acres. Based upon the proposed clearing, the woodland conservation requirement is 1.39 acres. The plan proposes to meet the requirement by providing 1.58 acres of on-site preservation. An additional 0.90 acres of woodland that are not part of any requirement will be preserved on-site. The design of the woodland conservation areas meets the goals of the Countywide Green Infrastructure Plan by providing contiguous woodland adjacent to the stream valley.

Minor technical errors need to be corrected: the limit of disturbance symbol changes just north of the sanitary sewer outfall; the pattern used for wetlands on the plan is not reflected in the legend; the woodland preservation area is not labeled with the acreage; and the plan does not have the standard Type I tree conservation plan notes. Prior to signature approval of the preliminary plan of subdivision, the Type I tree conservation plan should be revised. As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/13/06) approved as part of this application.

According to the "Prince George's County Soils Survey" the principal soils on this site are in the Keyport and Sassafras series. Keyport soils are highly erodible and may have poor drainage and a

seasonably high water table. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

Stormwater Management Concept Approval Letter CSD 46735-2005-00 dated February 14, 2006, was submitted with this application; however, the associated plan is yet to be submitted to show consistency with the TCPI limits of disturbance. The Department of Environmental Resources will meet the requirements for stormwater management through subsequent reviews. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan should be submitted for the official file.

The Environmental Planning Section recommends approval of the Preliminary Plan of Subdivision 4-05153 and TCPI/13/06 subject to conditions consistent with the preceding findings.

Water and Sewer

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 water and sewer plan designated this property in water and sewer Category 3. Development on the site will be served by public systems.

4. **Community Planning**—The property is located 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 approved General Plan development pattern policies for developed tier corridors. The proposal for a church and day care is not consistent with the recommendations for residential uses for the site as stated in the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*. However, a church located on a lot greater than one acre in size and a day care as an accessory use are permitted by right in the R-55 Zone.
5. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the above-referenced subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size and the proposed use is nonresidential. However, the subject subdivision is adjacent to the parkland and the applicant proposes grading on adjacent parkland (1,500 square feet). DPR staff recommends that this area should be stabilized and restored to a condition acceptable to DPR staff following the proposed grading. Furthermore, DPR staff recommends to the Planning Board that a condition be established on the subject application that prior to the issuance of any grading permits, DPR staff shall review and approve the grading plan.
6. **Trails**—The subject site is outside of the Suitland mixed-use town center plan. The approved Suitland-District Heights and Vicinity Master Plan includes no trail recommendations that impact the subject site. The subject site is adjacent the existing undeveloped M-NCPPC property. Meadowview Drive is currently open section with no sidewalks.

7. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 6.88 acres of land in the R-55 Zone. The property is located on the west side of Meadowview Drive and south of Suitland Road. The applicant proposes a 12,600 square foot church and associated day care center.

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 the needed count for the critical intersection of Suitland Road and Meadowview Drive was submitted. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 Developed Tier, as defined in the General Plan. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

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.

Staff Analysis of Traffic Impacts

The traffic generated by the proposed preliminary plan would impact the intersection of Suitland Road and Meadowview Drive, which is not signalized. The applicant’s traffic consultant submitted a traffic count taken on April 20, 2006. The transportation staff is basing its findings on the submitted traffic count.

The application is for a 12,600 square foot church and associated day care center with approximately 40 children. The proposed development would generate 37 AM (19 in, 18 out) and 38 PM (18 in, 20 out) peak hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The site was analyzed using the following trip distribution:

From the east along Suitland Road

40%

From the west along Suitland Road	40%
From the south along Meadowview Drive	20%

The traffic generated by the proposed plan would primarily impact the unsignalized intersection of Suitland Road and Meadowview Drive. In the Guidelines, the Prince George's County Planning Board has defined an upper limit of 50.0 seconds of delay as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum delay of 32.0 seconds, 33.1 seconds, and 35.4 seconds under existing, background, and total traffic conditions. During the PM peak hour, a maximum delay of 19.1 seconds, 23.2 seconds, and 24.1 seconds under existing, background, and total traffic conditions. Therefore, the critical intersection operates acceptably with the addition of the proposed development, based on the Guidelines.

Access to the site and circulation within the site is acceptable. Staff recommends that a sidewalk be constructed along the east side of the proposed building, along the commercial driveway to Meadowview Drive, and along the west side of Meadowview Drive towards Suitland Road.

The 1985 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, lists Suitland Road as an arterial roadway with four to six lanes and 100 to 120 feet of right of way. The site is located along the south edge of Suitland Road and no vehicular access should be permitted. No further dedication is necessary along Suitland Road, but a note should be placed on the final plat restricting access. Dedication of 30 feet of right-of-way along Meadowview Drive will be required. This is shown correctly.

Transportation Staff Conclusions and Recommendations

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 with conditions consistent with the preceding findings.

8. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded that the above subdivision is exempt from review because it is an institutional use.
9. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The existing fire engine service at Morningside Fire Station, Company 27, located at 6200 Suitland Road has a service travel time of 2.26 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver

Hill Road has a service travel time of 3.78 minutes, which is within 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 4.86 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, 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 *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

10. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities would be adequate to serve the proposed institutional development.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that private on-site stormwater management is required. Stormwater Management Concept Plan 46735-2005-00 has been approved with conditions. Development must be in accordance with this approved plan.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the New Birth Christian Church property and has recommended that a partially filled open shallow well located near the existing block foundation must be cleaned out and properly backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department.
13. **Archeology**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require an archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

14. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

15. The subject property is zoned R-55. While the subject application is not proposing any residential development, it is a permitted use. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Eley, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, June 15, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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