

R E S O L U T I O N

WHEREAS, Roland Kenner is the owner of a 3.55-acre parcel of land known as Tax Map 59 in Grid D-4, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on July 25, 2007, Roland Kenner 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 4-07058 for International Church of Christ 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 17, 2008, 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 17, 2008, 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/028/07), and further APPROVED Preliminary Plan of Subdivision 4-07058, International Church of Christ, including a Variation from Section 24-130 for Parcel A with the following conditions:

1. 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.
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for the proposed impacts for the stormwater management requirements, and be reviewed by the Environmental Planning Section prior to 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.”

3. Prior to signature approval of the preliminary plan, the Type I TCP shall be revised as follows:

1. Correct note 6 to reference the preliminary plan number.
2. Revise the limits of disturbance to reflect the proposed water and sewer easements on the west side of the site.
3. Have the plan signed and dated by the qualified professional who prepared the plan.
4. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on approved Type I Tree Conservation Plan TCPI/028/07, 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 Policy. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
5. The applicant and the applicant’s heirs, successors and/or assigns shall provide an eight-foot wide hard surface Class II Trail along the subject site’s entire frontage of Martin Luther King, Jr. Highway (MD 704), unless modified, or not required by the Maryland State Highway Administration (SHA).
6. For that portion of construction is required for the extension of Kent Village Drive, a standard sidewalk shall be provided along the frontage of the subject property, unless modified by the Department of Public Works and Transportation (DPW&T).
7. Total development within the subject property shall be limited to approximately 12,000 square feet church with a sanctuary seating 450 persons, or other uses which generate no more than 2 AM and 2 PM peak-hour 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.
8. Development shall be in conformance with the approved Stormwater Management Concept Plan 28852-2006-01 and any subsequent revisions.
9. The final plat shall reflect a note denying vehicular access to Martin Luther King Highway (MD 704) from the subject property.

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 proposed subdivision is situated on the north side of Martin Luther King Jr. Highway where it intersects with Kent Village Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-T Vacant	R-T Institution (Church) (approximately 12,325 square feet) 450 seats
Acreage	3.55	3.55
Lots	0	1
Parcels	1	0
Public Safety Mitigation Fee		No

4. **Subdivision**—The subject property is zoned R-T. The subject application is not proposing any residential development; however, because different adequate public facility tests exist, and there are considerations for recreational components for residential subdivision, any future consideration for residential development should require the approval of a new preliminary plan of subdivision.
5. **Environmental**—There are streams, wetlands and a 100-year floodplain on the property associated with the Lower Beaverdam Creek in the Anacostia River watershed. According to the *Prince George's County Soils Survey* the principal soils on this site are in Bibb, Christiana and Silty & Clayey Land series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. No designated scenic or historic roads will be impacted by the proposed development. Martin Luther King Jr. Highway is a designated arterial and a source of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

**Environmental Issues Addressed in the 1993 Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72).**

The master plan does not address any environmental issues associated with this property.

### ***Approved Countywide Green Infrastructure Plan***

The property is designated as a Network Gap in the 2005 *Approved Countywide Green Infrastructure Plan*. The Network Gap is located between two Evaluation Areas and is associated with an extensive system consisting of a stream, stream buffers, a wetland and wetland buffers, a 100-year floodplain, 15–15 percent slopes on highly erodible soils, and slopes 25 percent and greater. These features are also within the delineated expanded buffer. The steep and severe slopes on the site are the result of previous impacts to regulated features due to past grading and filling. The slopes now serve as part of the protective buffer to ensure the full preservation of the sensitive environmental features on the site. The area within the expanded buffer should be preserved to be in accordance with the Countywide Green Infrastructure Plan.

### **ENVIRONMENTAL REVIEW**

Signed Natural Resources Inventory NRI/108/06-01 was submitted with the application. Streams, wetlands and a 100-year floodplain exist on the property. The site also features steep and severe slopes, which are the result of previous grading and fill operations that impacted regulated features of the site. The forest stand delineation (FSD) indicates three forest stands totaling 3.55 acres and one specimen tree.

According to the Countywide Green Infrastructure Plan, the property is designated as a Network Gap. Based upon this analysis, the only significant woodland area is within the expanded stream buffers. The expanded stream buffers as depicted on the NRI are correctly shown on the preliminary plan and Type I Tree Conservation Plan TCPI/028/07.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all of the expanded buffer—except for the limited area of impacts approved for the stormwater management pond and sewer connections—and be reviewed by the Environmental Planning Section prior to certification. A note should be placed on the plat detailing the conservation easement.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

Type I Tree Conservation Plan TCPI/028/07 shows impacts to the expanded stream buffer. The site has an approved stormwater management concept plan that was a result of numerous meetings between the applicant and the Prince George's County Department of Public Works and

Transportation (DPW&T). The current design on the TCPI shows a significant change to the previously proposed impacts, which showed a facility surrounded by six-foot-high retaining walls within the expanded stream buffer. It also showed numerous parking spaces and an extensive retaining wall within the expanded buffer. Staff has carefully reviewed the design and has met with the applicant to reduce the impacts in order to preserve the existing slopes. Because the location options for the proposed stormwater management facility were very limited, a redesign of the pond was necessary to reduce the previously proposed impacts. The pond has been redesigned without retaining walls to reduce the impact area previously proposed. The new design has also eliminated the previously proposed parking area that would have resulted in impacts to the 50-foot-wide stream buffer.

A revised variation request dated December 28, 2007, describing two proposed impacts to the expanded buffer totaling 4,076 square feet, has been submitted. The following is a summary of the requested impacts.

#### **Impact 1**

Impact 1 is for the construction of a stormwater management facility which is required to serve the site. The total area of impact is 3,234 square feet and is located on the northeast portion of the site, where severe slopes created by previous grading and fill have been included in the expanded buffer. The new design reduced the impact by 1,614 square feet and pulled it farther back from the existing 100-year floodplain. Staff supports this impact.

#### **Impact 2**

Impact 2 is for the construction of a small parking area for the proposed development. The total area of impact is 833 square feet located on the west side of the site. The new design reduced this impact by 2,988 square feet, preserving a significant amount of the slopes that protect the existing 100-year floodplain. Staff supports this impact.

The plan does not show a possible impact for a sewer line connection from the building to the sanitary sewer line located in the floodplain. In a recent meeting with staff, the applicant's engineer did note that there is an alternative for providing a sanitary sewer connection to the site that does not result in an impact to the expanded buffer; however, this connection may not be feasible. Although this impact was not requested, staff recommends approval based on the necessity of this impact for the development of the site, should the alternative connection not be available.

The following is an analysis of conformance with Section 24-113 of the Subdivision Regulations. The **bold** text is quoted from the Subdivision Regulations.

**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 the public safety, health, or welfare, or injurious to other property;**

Stormwater management facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property. The sanitary sewer connection is necessary for the construction of the site. The small impact to the expanded buffer is required for compliance with the parking regulations.

- (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 variation sought is appropriate, considering the configuration of existing site features. There are streams, wetlands and a 100-year floodplain on the property associated with the Lower Beaverdam Creek in the Anacostia River watershed. The layout and configuration of these features are unique to this property, and not generally applicable to other properties.

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

The site has an approved concept plan for the proposed stormwater management pond. The proposed impacts will not violate of any other applicable law, ordinance or regulation because permits from other agencies will also be required prior to construction.

- (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.**

The proposed impacts are dictated by the topography of the site. The steep and severe slopes on the site are the result of previous impacts to regulated features on the site due to past grading and filling. The slopes now serve as part of the protective buffer to ensure the full preservation of the sensitive environmental features on the site.

Staff recommends that the variation requests for the stormwater management pond, parking, and sanitary sewer be approved:

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in area and

there are more than 10,000 square feet of existing woodland on-site. Type I Tree Conservation Plan TCPI/028/07 has been reviewed and was found to require revisions.

The worksheet proposes clearing 0.52 acres of the existing 7.00 acres of upland woodland, clearing of no woodland of the 0.47 acres of woodland within the 100-year floodplain, and clearing 0.33 acres of woodland off-site. The woodland conservation threshold is 0.49 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 0.95 acres. The plan proposes to meet the requirement by providing 0.59 acres of on-site preservation, 0.11 acres of on-site planting and 0.25 acres as fee-in-lieu. The proposed preservation area is contiguous with the wooded floodplain and also will serve as a bufferyard between the church and residential property to the south. The on-site planting is proposed to afforest a portion of the 100-year floodplain.

There is one minor error on the plan in that TCP note 6 contains a blank. It should reference the subject preliminary plan. The limits of disturbance need to be revised to reflect the proposed water and sewer easements on the west side of the site. Additional changes to the layout may be required by the Transportation Planning Section.

Prior to signature approval of the preliminary plan, the Type I TCP should be revised to correct the minor errors noted. A note should be placed on the final plat of subdivision detailing the restrictions of the Type I tree conservation plan. Martin Luther King Jr. Highway is a designated arterial and a source of traffic-generated noise. Because residential uses are not proposed, traffic-generated noise is not a significant impact.

According to the *Prince George's County Soils Survey* the principal soils on this site are in Bibb, Christiana and Silty & Clayey Land series; however, an examination of topographic maps from 1966 suggest that there is a significant area of fill on the property. The extremely flat nature of the cleared area on the site and the position the steep slopes are highly suggestive of a fill area. Because residential uses are not proposed, a detailed soils study is not required at this time. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources (DER) during the permit process review.

Copies of Stormwater Management Concept approval CSD 28852-2006-01 were submitted with this application. Any changes to the on-site water quality facility as shown may require a revised concept plan. No further action regarding stormwater management is required at this time.

### **Water and Sewer Categories**

The 2001 Water and Sewer Plan designates this property in Water and Sewer Category 3. A water line in Martin Luther King Jr. Highway abuts the property. Sewer lines traverse and abut the property in Kent Village Drive. An on-site plan review is required by the Washington Suburban Sanitary Commission (WSSC).

6. **Community Planning**— The site 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 for a church with 450 seats is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The *1993 Approved Master Plan and Approved Sectional Map Amendment for Landover and Vicinity*, (Planning Areas 72) recommends low urban residential uses. This plan policy recommends that the established character of the community, which is zoned R-T continue. Churches are permitted by right in the R-T Zone located on a lot more than two acres in size per Section 27-441(b). The proposal to construct a Church sanctuary and parking lot maintains the residential low density that is recommended for the site.
7. **Parks and Recreation**—According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the development is over an acre in size and the proposed use is non-residential.
8. **Trails**—The *1993 Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) recommends a pedestrian/bike trail along Martin Luther King Jr. Highway (MD 704). It is envisioned that this trail could be implemented similar to the master plan trail along MD 450 (Annapolis Road), which includes an eight-foot wide asphalt trail and striped wide outside curb lanes for on-road bicyclists. The master plan also lists the following reasons this master plan trail is needed:
  - To provide a major trail corridor through the entire Planning Area
  - To provide access to all communities within the Planning Area
  - To tie numerous trail and bikeway corridors together
  - To connect with the proposed Washington, Baltimore & Annapolis Trail going to Bowie and the Baltimore-Annapolis Trail (note: the Prince George's County segment of the WB&A Trail was opened in late 2000).

As noted on the last point above, the trail along MD 704 will serve as an extension of the existing Washington, Baltimore & Annapolis Trail (WB&A Trail), which currently runs from the Patuxent River to MD 450 to the District line. There is an existing six-foot wide sidewalk along the subject site's frontage of MD 704. This sidewalk extends from Uplift Baptist Church (at 7100 Martin Luther King Highway) to Columbia Avenue. Due to the presence of this existing section of wide sidewalk, pedestrian movement is currently accommodated along this stretch of MD 704. However, if road frontage improvements are required by the Maryland State Highway Administration (SHA), it is recommended that MD 704 be improved to accommodate the master plan trail. If frontage improvements are not required, the master plan trail along all segments of MD 704 can be considered as part of future road improvement projects by SHA.

Kent Village Drive currently ends just north of the subject site, but a portion of the right-of-way has been dedicated on the property immediately to the east. Columbia Park Elementary School is just north of the subject property along Kent Village Drive. If construction of the extension of Kent Village Drive is required, sidewalk construction should be included to improve pedestrian



access to the elementary school.

9. **Transportation**— The applicant indicates as part of the submitted site analysis notes that the proposed services on this site would be limited to Sunday services and weeknight events all to begin at or after 7:00 PM. The transportation staff determined that weekday and weekend traffic counts were needed. In response, the applicant submitted acceptable weekday and weekend turning movement counts which were used in evaluation of the existing and proposed Levels of Services (LOS). Staff reviewed a recent traffic impact study and determined that the nearest signalized intersection to site is the intersection of Columbia Park Road and Martin Luther King Highway (MD 704), is operating adequately (Level of Service B with Critical Lane Volume of 1,055).

The subject property access should be oriented to the proposed extension of Kent Village Drive, a primary residential street. Along the eastern edge of the property some 35 feet of right-of way has already been dedicated. The applicant needs to dedicate additional right-of-way necessary to extend Kent Village Drive, per Department of Public Works and Transportation (DPW&T) standards, to intersect with Martin Luther King, Jr. Highway (MD 704). Access to MD 704, an arterial highway, is not recommended. Following extensive discussion with DPW&T, and the Countywide Public Facility Planning Section staff it was decided by DPW&T that the extension of the proposed street pavement connection from MD 704 to the existing Kent Village might create a significant cut-through traffic problem for nearby residents and in front of the existing elementary school. Therefore, DPW&T has indicated that, at this time, it is not recommending the extension of the proposed access road beyond the limits shown on the submitted revised preliminary plan.

**Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation:**

The plan needs to show adequate road dedication for Kent Village Drive along the eastern edge of the property and for MD 704. The required dedication for Kent Village Drive is approximately 30 additional feet to have the full 60-feet of right-of-way. For MD 704, the right-of-way is 60 feet because it is an arterial. The applicant must re-construct Kent Village Drive as a primary residential street per DPW&T standards.

**TRANSPORTATION ANALYSIS:**

The findings and recommendations outlined below are based upon a review of these 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*. Applying the approved trip making characteristics of similar uses that are limited to church facilities without any other uses, the proposed 450 seat church of approximately 12,000 gross square feet would generate 2 AM and 2 PM peak-hour trips. Therefore, the Prince George's County Planning Board could deem the site's impact to the area road network to be de-minimus, since the definition of de-minimus in the *Guidelines* indicates that a site is eligible if the proposed development generates 5 or fewer peak-hour trips.

The subject property is located within the developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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.

## TRANSPORTATION CONCLUSIONS

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 Subdivision Regulations.

10. **Police** —The proposed development is within the service area for Police District III, Palmer Park. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan application for a church 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 Regulations. The existing fire engine service at Chapel Oaks Fire Station, Company 38 located at 5444 Sheriff Road has a service travel time of 3.11 minutes, which is within the 3.25-minutes travel time guideline. The existing paramedic service at Landover Hills Fire Station, Company 30 located at Annapolis Road and 68th Avenue has a service travel time of 5.46 minutes, which is within the 7.25-minutes travel time guideline. The existing ladder truck service at Kentland Fire Station, Company 33 located at 7701 Landover Road has a service travel time of 4.17 minutes, which is within the 4.25-minutes travel time guideline. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan, 1990* and the "Guidelines for the

Analysis of Development Impact on Fire and Rescue Facilities.”

12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan of subdivision for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is an institutional/church use.
13. **Health Department**—The Health Department reviewed the application and has no comments to offer.
14. **Stormwater Management**—Stormwater Management Concept Plan 28852-2006-01 was approved on December 18, 2007, with conditions. Development of the site must be in accordance with this approved plan and any revisions.
15. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 4.05-acre property located at 6950 Martin Luther King, Jr. Highway in Landover, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The property appears to have been previously graded. There are no known archeological sites within a one-mile vicinity of the subject property. There is one Historic Site, Highland Park School (72-021), within a one-mile radius of the subject property.

However, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies, or federal permits are required for a project.

16. **Historic Preservation**—There is no effect on historic resources.

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 date of notice of 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 Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, January 17, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of February 2008.

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Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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