

R E S O L U T I O N

WHEREAS, North American Islamic Trust, Inc., is the owner of a 3.9727-acre parcel of land known as Parcels 26 and 27 and located on Tax Map 9 in Grid F-1, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 26, 2008, filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08007 for Islamic Center 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 September 4, 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 September 4, 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/51/05), and further APPROVED Preliminary Plan of Subdivision 4-07111, Islamic Community Center of Laurel 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. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to reflect all stormwater management structures as shown on the approved stormwater management concept plan, or evidence shall be provided that the Department of Public Works and Transportation has approved the revised design.
3. Prior to signature approval of the Preliminary Plan, the TCPI shall be revised as follows:
 - a. Show all stormwater management structures as shown on the approved stormwater management concept plan, including but not limited to, three outfalls, two bioretention facilities, labels for the underground storage facilities, pipes, etc., or provide evidence that the Department of Public Works and Transportation has approved the alternate

design.

- b. Should the 50 foot stormdrain easement (L. 7272 F. 383) be vacated, provide additional preservation and reforestation within this area.
 - c. Under the "Existing Woodland" notes, revise the area preserved to match what is currently shown on the plan and in the legend.
 - d. Revise the worksheet as necessary.
 - e. Have the revised 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 the approved Type I Tree Conservation Plan (TCPI/51/05), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. 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. Prior to building permit issuance, the afforestation on the site shall be planted. A certification prepared by a qualified professional shall be used to provide verification that the planting and afforestation fencing have been completed. It must include, at a minimum, photos of the afforestation area and the associated fencing for the afforestation area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
6. The applicant, the applicant's heirs, successors and/or assignees shall provide a standard sidewalk along the frontage of the subject property, unless modified by the Department of Public Works and Transportation (DPW&T).
7. Total development of the subject property shall be limited to uses which would generate no more than 4 AM, 5 PM, and 53 Friday midday 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.
8. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
9. The abandoned septic tank must be pumped, backfilled, and/or sealed by a licensed scavenger and

either removed or backfilled in place when the house located at 7310 Contee Road is vacated.

10. Development shall be in conformance with approved Stormwater Management Concept Plan No. 7213-2004-00 and any subsequent revisions.
11. The existing house on Parcel 27 shall be recorded on a Maryland Inventory of Historic Properties form prior to its demolition that includes a floor plan and representative interior and exterior photographs. A copy of the form shall be submitted to Historic Preservation staff for review and approval prior to signature approval of the preliminary plan of subdivision.
12. Prior to signature approval of the preliminary plan, the plan should be corrected to show the existing 10,000 square foot septic field as shown on the TCPI.
13. Prior to the issuance of any building permits a limited detailed site plan (LDSP) shall be submitted and approved by the planning board or its designee to add a six-foot high sight tight fence along the entire common property boundary between the North American Islamic Trust property and the Naomi Associates Property. The said fence shall be of a type and material that is visually attractive from the proposed homes to be constructed upon the adjacent Naomi Associates 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 Contee Road, 3,500 feet west of Baltimore Avenue (US 1).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Institution (Mosque) and Residential (6,272 sq. ft. existing)	Institution (Mosque) (approx. 28,272 sq. ft. total gross floor area)
Acreage	3.98	3.98
Parcels	2	1
Public Safety Mitigation Fee		No

4. **Subdivision**—The subject property is zoned R-R. 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 developments should require the approval of a new preliminary plan of subdivision.
5. **Community Planning**—This application is located in the Developing Tier. One of the visions 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 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61, and 62* retained the R-R Zone for the subject property. As such, the proposed development conforms with both the General Plan's Developing Tier vision and the Master Plan's "Low Suburban" residential land use recommendation for Subregion I, considering that institutional uses, such as the proposed mosque, are permitted in the R-R Zone and the subject application represents a low-density development that consists of a 28,272 sq. ft. structure on a nearly four-acre parcel.
6. **Environmental**—Based on available information, wetlands are located on-site. There are no other regulated features such as streams or 100-year floodplain on-site. One soil series, Christiana Silt Loam (two types in this series) is present on-site. Both of these soils have K-factors of 0.43 making them highly erodible. Marlboro clays are not present at this location. There are no traffic generated noise sources in the vicinity of the site. There are no designated scenic or historic roads in vicinity of the site. According to available information from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened and endangered species are not found at this location. According to the *Approved Countywide Green Infrastructure Plan*, two network features, evaluation areas and network gaps, are located on the site. The property is in the Upper Patuxent watershed of the Patuxent River basin, the Subregion I and vicinity planning area, and the Developing Tier of the adopted General Plan.

Environmental Review

A signed Natural Resources Inventory (NRI), NRI/103/05, has been submitted and reviewed. There are wetlands and wetland buffers shown on the NRI, the TCPI and preliminary plan. A forest stand delineation (FSD), as part of the NRI review requirements, was prepared in March 2004. One forest stand (Stand F-1) was identified and it contains 1.40 acres. A mixture of pines and oaks dominates Stand F-1. No specimen trees are located on the site. Portions of Stand F-1 are considered high priority retention due to the presence of wetlands and their buffers; however, remaining portions of the stand have a moderate priority retention based on the forest structure and species diversity associated with these areas. No further action is necessary regarding the natural resources inventory.

The site has two Green Infrastructure Plan network features associated with it: evaluation areas and network gaps. Of these two features, most of the site is associated with network gaps. The

evaluation areas are located along the east and northeast portions of the site where wetlands and their buffers are located. The woodlands located within the wetlands and their buffers are a higher retention priority than the remainder of the woodlands on-site, which are a moderate priority for retention. Based on the current design, there are no impacts proposed to the evaluation areas, wetlands or wetland buffers, as shown on the TCPI. These areas shown to be preserved contain the highest priority woodland located on-site.

A stormwater management concept approval letter and plan has been submitted. The case number assigned to this plan is 7213-2004-00 with an approval date of December 14, 2007. This approval is valid for a period of three years from the date of issuance. According to the concept, stormwater will be directed to two underground storage structures which include two bioretention facilities and the respective outfalls. The TCPI shows two basins, four proposed bioretention areas in the parking lot, and two proposed stormdrain outfalls. The TCPI needs to be revised to reflect all stormwater management structures for conformance with the approved stormwater management concept plan. The TCPI and preliminary plan should be revised to reflect all stormwater management structures as shown on the approved stormwater management concept plan or evidence should be provided that the Department of Public Works and Transportation has approved the revised design.

The site 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 woodlands on-site. A Type I tree conservation plan (TCPI) has been submitted and reviewed. The 3.97-acre site in the R-R Zone has a woodland conservation threshold (WCT) of 20 percent. The site has 1.40 acres of existing woodland, no 100-year floodplain, and a woodland conservation requirement of 1.43 acres. As currently designed, the TCPI shows this requirement to be met with 0.22 acres of on-site preservation, 0.08 acres of on-site reforestation, and 1.13 acres of off-site mitigation. In order for the TCPI to meet the requirements of the Woodland Conservation and Tree Preservation Ordinance, revisions are necessary.

The approved stormwater management concept plan shows two bioretention facilities, two underground storage facilities and three outfalls. The current TCPI shows four bioretention facilities, two basins that should be labeled as underground storage, and only two outfalls. The TCPI needs to reflect the stormwater management structures as shown on the approved stormwater management concept plan, or evidence needs to be provided that the Department of Public Works and Transportation has approved the alternate design. An existing 50-foot stormdrain easement (L. 7272 F. 383) is shown on the plan, but does not appear to be necessary for stormdrain purposes. Should the easement be vacated, additional preservation and reforestation within this area could be provided so that more of the requirement can be met on-site. The "Existing Woodland" notes need to be revised so that the area preserved matches what is shown on the plan and in the legend. After these revisions have been made, the worksheet should be updated as necessary by the qualified professional who made the revisions.

The afforestation on the site should be planted before the issuance of any building permits. A

certification prepared by a qualified professional should be used to provide verification that the planting and afforestation fencing have been completed. It should include, at a minimum, photos of the afforestation area and the associated fencing for the afforestation area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken. A note should be placed on the final plat of subdivision indicating that the proposed development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/51/05), 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 would mean a violation of an approved tree conservation plan and would make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.

Water and Sewer Categories

The 2001 Water and Sewer Plan designate this property in water and sewer Category 4. Category 3 must be obtained before APPROVAL of a final plat. Water and sewer lines in Contee Road are in close proximity to the property. Water and sewer line extensions are required to serve the proposed property and must be approved by the Washington Suburban Sanitary Commission. The existing septic system is to remain in use.

7. **Parks**—In accordance to Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from the mandatory dedication of parkland requirements because the development is over an acre in size and the proposed use is non-residential.
8. **Trails**—There are no master plan trails issues identified in the Approved Master Plan and Sectional Map Amendment for Subregion I that impact the subject site. The subject site's frontage of Contee Road is open section with no sidewalks. Also, properties on both sides of the site currently do not include a sidewalk. However, where frontage improvements have been made along Contee Road in the vicinity of the subject site, a standard sidewalk has been provided.
9. **Transportation**—While the worship area will maintain the same square footage as the existing use, the facility will be expanded to include classrooms for religious instruction, a gymnasium, and a multi-use area. Although the Planning Board finds that the weekday traffic impact will be minimal, the Board notes that the week's primary worship service would occur during the early-to mid-afternoon hours on Fridays. Due to the trip generation of the site, a traffic study is not needed; however, the applicant has provided Friday afternoon traffic counts at the critical intersection. The findings outlined below are based upon a review of these materials and analyses 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 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. 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.

Analysis of Traffic Impacts

The intersection of Contee Road and Van Dusen Road is determined to be the critical intersection for the subject property. This intersection is the nearest intersection to the site. It has the most direct access to I-95, and is estimated to serve approximately 65 percent of the site-generated traffic. The intersection is signalized.

The proposed development, construction of a 22,000-square-foot addition to the existing mosque, would generate 4 AM and 5 PM peak hour vehicle trips as determined using the Institute of Transportation Engineers' Trip Generation Manual. There are no projects to improve either critical intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program. Recent counts are available at the critical intersection of Contee Road/Van Dusen Road, and in connection with the review of CSP-07003 for Konterra Town Center East. It was determined that this intersection currently operates acceptably in both peak hours, but would operate unacceptably in the PM peak hour under total future traffic. That plan was approved with conditions to improve the intersection. Nonetheless, due to the limited trip generation of the site, the Prince George's County Planning Board deems the site's weekday peak hour impact to be de minimus, and furthermore finds that 4 AM and 5 PM peak hour trips will have a de minimus impact upon operations in the critical movements at the Contee Road/Van Dusen Road intersection during the weekday peak hours as provided for in the Guidelines.

For the purpose of ensuring adequate transportation facilities during the peak operating hours for the proposed use, a Friday afternoon traffic analysis is provided. This analysis utilizes available Friday afternoon counts taken by the applicant in 2008. These counts indicate that the critical intersection of Contee Road/Van Dusen Road operates with a critical lane volume (CLV) of 888, with level-of-service (LOS) A, during the Friday midday peak hour. This statistic represents existing traffic.

Through traffic growth of two percent per year was assumed along Van Dusen Road and Contee

Road. Four approved but unbuilt developments that would affect the intersections were identified. With background growth added, the critical intersection of Contee Road/Van Dusen Road would operate with a CLV of 1,232, with LOS C, during the Friday midday peak hour. This statistic represents background traffic.

With the development of 22,000 square feet of community recreational facilities (in addition to the existing mosque), the added development would generate 53 (26 in, 27 out) additional Friday midday peak hour vehicle trips. The site was analyzed with the following trip distribution: 45 percent—north along Van Dusen Road; 20 percent—southwest along Van Dusen Road; and 35 percent—east along Contee Road. Given this trip generation and distribution, the impact of the proposal has been analyzed to determine total traffic. With the site added, the critical intersection of Contee Road/Van Dusen Road would operate with a CLV of 1,259, with LOS C, during the Friday midday peak hour. As such, the Planning Board determines that midday on Friday the critical intersection would operate acceptably under existing, background, and total traffic. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed.

The site is not within or adjacent to any master plan transportation facilities. The Contee Road Relocated facility follows a new alignment south of the existing roadway in this area. The plan reflects adequate dedication along existing Contee Road of 30 feet from centerline, consistent with a primary roadway. A conceptual plan has been reviewed by transportation staff, and site access and circulation are acceptable.

TRANSPORTATION FINDINGS

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Subdivision Regulations if the application is approved with conditions.

10. **Police**—The proposed development is within the service area of Police District VI. 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 Special Projects 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 Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Laurel, Company No. 10 using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01 (e)(1)(A) and (B) regarding sworn police and fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Schools**—The Special Projects 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 that the above subdivision is exempt from a schools review because it is an institutional/church use.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that a raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the septic system properly abandoned before the release of the grading permit. Once the existing house at 7310 Contee Road (existing Parcel 27) is vacated, the abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place.

This office has records of the sewage drain system (SDS) for the existing mosque at 7306 Contee Road (existing Parcel 26). At this time, the SDS is observed to be functioning properly. Care must be taken to protect the existing SDS from damage during any proposed future grading/construction. Be advised that sewer Category 4 does not allow any remodel/upgrade to occur to the existing SDS; therefore, the existing mosque must be connected to public sewer prior to the construction of any proposed new addition.

The existing sewage drain system (SDS) although slightly undersized, should be adequate to serve the additional sewage flow based on occupancy of 300 seats. The existing 10,000-square-foot recovery area is sufficient in size to provide two replacement systems if a remodel were necessary. An upgrade to accommodate any future increase in sewage flow shall not be permitted. Care must be taken to protect the existing SDS from damage during any proposed future grading/construction. The existing building sewer line and header line will have to be sleeved in pvc pipe and the existing septic tank replaced with a load-bearing tank prior to paving the proposed parking lot. This work shall be completed under a work order issued by the Health Department.

14. **Stormwater Management**—A Stormwater Management Concept Plan, No. 7213-2004-00, was approved December 14, 2008, by the Prince George’s County Department of Public Works and

Transportation with conditions. Development of the site must be in accordance with this approved plan and any revisions.

15. **Archeology**—A Phase I archeological survey is not required on the above-referenced 3.97-acre property located at 7310 Contee Road in Laurel, 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. However, the applicant should be aware that there is one county historic site, Oaklands and Cemetery (PG:62-003), within a one-mile radius of the subject property. In addition, there is one known prehistoric archeological site and one historic site within a one-mile radius of the subject property.

Tax and deed records indicate that the existing one-story frame building on Parcel 27 was built in 1932. A search of the deed records indicates that the house was probably built for Roy and Neva Lee Adkins. The existing house on parcel 27 should be recorded on a Maryland Inventory of Historic Properties form prior to its demolition that includes a floor plan and representative interior and exterior photographs. A copy of the form should be submitted to Historic Preservation staff for review and approval prior to signature approval of the preliminary plan of subdivision.

16. **Historic Preservation**—This proposed subdivision will have no effect on historic resources.
17. **Planning Board Hearing** – A request was made to the Planning Board to include a condition for a limited detailed site plan (LDSP) to add a sight tight fence along the entire common property boundary between the subject property owned by the North American Islamic Trust property and the Naomi Associates Property. The adjacent property owner, Naomi Associates, should be notified of the submission for this LDSP for the subject property, and should have an opportunity to comment upon the LDSP prior to any action upon that Plan by the Planning Board or its designee.

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.

* * * * *

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, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, September 4, 2008, in Upper Marlboro, Maryland.

PGCPB No. 08-125
File No. 4-07111
Page 11

Adopted by the Prince George's County Planning Board this 25th day of September 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:IT:bjs