



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-116

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File No. 4-10006

R E S O L U T I O N

WHEREAS, Turkiye Diyanet Vakfi is the owner of a 14.16-acre parcel of land known as Tax Map 35, in Grid E-3 and is also known as Parcels 64 and 267, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned One-Family Detached Residential (R-80); and

WHEREAS, on July 6, 2010, Turkiye Diyanet Vakfi filed an application for approval of a Preliminary Plan of Subdivision for 10 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10006 for Turkish American Community 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 October 28, 2010, 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 October 28, 2010, 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 (TCP1-009-10), and APPROVED Variance Application No. VWC-10006, and further APPROVED Preliminary Plan of Subdivision 4-10006, Turkish American Community Center for 10 lots and 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Provide the tax map and grid location for the property in the general notes.
 - b. Indicate that direct access to Parcel A is limited to Good Luck Road.
 - c. Indicate denied access to Anita Land and Luria Lane from Parcel A.
 - d. Refer to the Variance Request VWC-10006 and EPS Exhibit B.
 - e. Label denial of access in accordance with conditions.
2. Prior to the issuance of permits or in conjunction with a detailed site plan if required, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 17244-2010-00 and any subsequent revisions.

4. At the time of final plat the applicant shall dedicated a ten-foot public utility easement (PUE) along the public rights-of-way (ROW) as delineated on the approved preliminary plan of subdivision.
5. The applicant and the applicant's heirs, successors and/or assignees shall:
 - a. Construct an eight-foot-wide sidepath within the right-of-way along the properties entire street frontage of Good Luck Road. This sidepath shall have a green space separation from the travel lanes of Good Luck Road, approximately two to three feet wide, unless modified by the Department of Public Works and Transportation (DPW&T).
 - b. Construct a five-foot-wide sidewalk within the right-of-way along the properties entire street frontage of 97th Avenue, which will connect to the sidepath on Good Luck Road, unless modified by DPW&T.
6. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
7. Prior to the issuance of grading permits the applicant shall demonstrate that the abandoned shallow well adjacent to the existing house at 9604 Good Luck Road has been backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department.
8. Any residential development of Parcel A may require the approval of a new preliminary plan of subdivision prior to the approval of building permits for the residential additions.
9. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for Lots 1-10.
10. At the time of final plat approval, the applicant shall dedicate a right-of-way of 40 feet from centerline along Good Luck Road, as shown on the preliminary plan of subdivision.
11. Prior to the issuance of any building permits within the subject property, the following road improvements at the MD 193/Good Luck Road intersection shall (1) have full financial assurances, (2) have been permitted for construction through the operating agency's access permit process, and (3) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Restriping the eastbound approach of MD 193 to provide two left-turn lanes, two exclusive through lanes, and one shared through/right turn lane.

- b. Modification of the northbound free-right turn lane to place rights turns under a yield operation (thereby allowing the existing acceleration lane area to be used by the additional eastbound through lane).
- 12. Total development of the overall site shall be limited to uses that would generate no more than 223 AM and 211 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- 13. The applicant, his heir's successors and or assigns shall provide within the frontage of the site along Good Luck Road, adequate turning lanes shall be provided and parking shall be restricted along the north/west side of the roadway, in accordance with DPW&T standards and requirements.
- 14. The applicant, his heir's successors and or assignees shall address the appropriate end treatments of Luria Lane and Anita Lane in accordance with DPW&T requirements. The plan shall not utilize these streets for access to Parcel A, and no further dedication on the subject site is required for these stub streets.
- 15. The final plat shall note that direct vehicular access to Parcel A shall be restricted to Good Luck Road and the denial of access to Luria Lane, Anita Lane, and 97th Avenue.
- 16. Prior to signature approval of the preliminary plan, the approved stormwater management concept plan shall be submitted and shall demonstrate the use of environmental site design techniques to the maximum extent practicable in accordance with the associated concept approval letter.
- 17. Prior to signature approval of the preliminary plan, the preliminary plan, TCP1, and all associated plans shall be revised as follows:
 - a. Revise as necessary to correctly reflect the information shown on the approved Natural Resource Inventory (NRI-001-10-01).
 - b. Revise as necessary to show the conceptual limits of disturbance as shown on EPS Staff Exhibit B. The worksheet shall be revised as necessary and the plans shall be signed and dated by the qualified professional who prepared the plans.
- 18. Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:
 - a. Revise the September 13, 2010 TCP1 submittal so that it is in conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO).
 - b. Add the following note: "Special treatments for specimen and significant trees on this site shall be provided in detail on the TCP2 to include at a minimum: method for the removal of certain trees outside the limits of disturbance while leaving the stumps in place; the provision of semi-permanent tree protection devices that will endure the extensive

excavation proposed; the provision of root pruning along the limits of disturbance; and a forest management plan for the woodland conservation areas to remain that includes a plan for the removal of invasive plant species and overall improvement of the health of the remaining woodlands.”

- c. Add the following note to the TCP1 below the specimen tree table: “A Variance Application (VWC-10006) to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the preliminary plan 4-10006 to allow removal of trees 5, 7, 13, 16, 25, 48, 51 and 53. The removal of trees 11, 12, 16 and 25 shall consist of the removal of the trunk and branches only with the stump left in place.”
 - d. Revise the plan to provide a tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement of 15 percent of the gross tract area will be fulfilled.
 - e. Have the revised plan signed and dated by the qualified professional who prepared it.
19. Prior to the approval of the TCP2 and with its review, the applicant shall identify in the field individual American holly trees on-site that may be suitable for transplanting, utilizing a tree spade, to other locations on the subject site. The timing of the transplanting operation shall be included in a transplantation plan to be included as part of the TCP2.
20. Prior to the approval of the TCP2, and with its review, the proposed or approved technical stormwater management plan shall be included. The proposed development pattern and limits of disturbance (LOD) shall match those shown on the TCP2.

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. **Setting**—The subject property is located on the north side of Good Luck Road, 3,200 feet west of its intersection with Greenbelt Road.

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

Zone Use(s)	EXISTING	APPROVED
	R-80 SFD	R-80 Institutional with accessory uses including a day care center and single-family dwellings
Acreage	14.16	14.16
Lots	0	10
Outlots	0	0
Parcels	2	1
Dwelling Units:		
Detached	1	10
Public Safety Mitigation Fee		No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations this case was heard before the Subdivision Review Committee Meeting on July 23, 2010.

4. **Environmental**—The preliminary plan of subdivision, Type 1 tree conservation plan and variance request has been reviewed, stamped as received on September 13, 2010. A revised variation request with Applicant's Exhibits A, B, and C, were stamped as received on October 13, 2010.

Background

The Environmental Planning Section previously reviewed a Natural Resource Inventory, NRI-001-10-01, for the subject property. The current proposal is for an institutional use and 10 single-family lots in the R-80 Zone.

The case was discussed at the Subdivision and Development Review Committee (SDRC) meeting on July 23, 2010. An initial review memorandum was provided by EPS on July 23, 2010. After a meeting with the applicant on August 12, 2010, another memorandum from EPS was provided dated August 19, 2010. Effective September 1, 2010, an update to the Woodland and Wildlife Habitat Conservation Ordinance became effective.

As required by the updated Woodland and Wildlife Habitat Conservation Ordinance (WCO), a variance request was received on September 13, 2010 to remove all 12 specimen trees from the site. A site visit was conducted on September 20, 2010 to analyze the condition of the specimen and significant trees on-site. On September 28, 2010, staff sent a marked-up plan (EPS Staff Exhibit A) to the applicant's representatives indicating the high, medium and low priority areas for preservation. On September 30, 2010, a meeting was held with the applicant's representatives to discuss the priority areas. On October 11, 2010 a meeting was held with the applicant's

representatives to discuss some options for an alternative layout of buildings and parking to address the priority preservation areas (Applicant's Exhibits B and C).

On October 13, 2010 a revised variance request was received that requests the approval of a variance to remove 9 of the 12 specimen trees. Staff is recommending the approval of a variance to remove 8 of the 12 specimen trees and a change to the limits of disturbance to preserve more of the existing significant trees (trees that have a diameter of 20 inches or larger, but less than the 30 inch diameter that would designate these trees as specimens). Staff prepared EPS Staff Exhibit B to reflect the necessary limits of disturbance to preserve the recommended specimen and significant trees. The limits of disturbance shown on EPS Staff Exhibit B may be adjusted in the future.

Site Description

The site is approximately 76 percent wooded. There are no regulated environmental features that occur on the property. The site has frontage along Good Luck Road, a master planned collector roadway that does not generate enough sufficient traffic to raise noise levels on the subject property above 65 dBA Ldn. The soils found to occur on the site, according to the *Prince George's County Soil Survey* are in the Christiana, Keyport, and Sunnyside series. Christiana clays are highly erodible and have a high shrink-swell potential. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no records of rare, threatened, or endangered species found to occur on or in the vicinity of this property. This property is located in the Baldhill Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 *Prince County Approved General Plan*. A small portion of the site contains a Network Gap area within the designated network of the June 2005 *Approved Countywide Green Infrastructure Plan*.

Master Plan Conformance

The 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment (SMA)* does not indicate any environmental issues specifically applicable to the review of this property.

Conformance with the Countywide Green Infrastructure Plan

The site contains a small Network Gap Area identified in the June 2005 *Approved Countywide Green Infrastructure Plan*, located at the northern tip of the site.

The following policies are applicable to the review of the subject application:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains a Network Gap area as identified in the Countywide Green Infrastructure Plan located within the Baldhill Branch watershed. The network gap connects to a larger area of woodlands to the north of the subject site. This wooded area does not contain regulated environmental features such as streams, wetlands or floodplains. The initial submission of the NRI and preliminary plan showed an area of isolated non-tidal wetlands in the center of the site. After a review of the application began, the permit reviewer from the Maryland Department of the Environment (MDE) visited the site and ruled that the area that had been delineated was not a regulated wetland. Staff subsequently visited the site and concurred with this conclusion. The natural resource inventory (NRI) and all associated plans have been revised to reflect this change. The original application showed the area of the Network Gap to be cleared for a stormwater management facility and a single-family lot. The revised plan does not show the stormwater management facility at this location. The nearest wooded stream valley and sensitive habitat area is approximately 250 feet north of the Network Gap area. That 250-foot-wide area consists of single-family homes and a road right-of-way. Given the nature of the existing conditions surrounding the site, it is not possible to fully implement the Green Infrastructure Plan on this site with regard to re-establishing vegetation within the Network Gap.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

The treatment of stormwater runoff for water quality is proposed to be provided through the provision of grass swales and underground storage. An approved stormwater management concept letter (17244-2010) was stamped as received by EPS on September 10, 2010; however, the approved concept plan was not included.

Condition 4 of the approval letter states:

“100% ESD to the MEP (maximum extent practicable) must be achieved as follows to treat runoff from all impervious areas using the following practices:

- A. Permeable pavements
- B. Disconnection of rooftop runoff
- C. Sheet flow to conservation area
- D. Grass swales
- E. Raingardens/bio-retention”

These types of techniques will help to restore and preserve more of the natural habitat and ecological functions on-site when compared with a design that includes an above ground pond. According to an Environmental Site Design (ESD) Exhibit that was included with the initial submission, other techniques proposed are rooftop disconnections, rain gardens, dry wells, sheet flow, and bioretention.

It should be noted that the site contains Christiana clays which may prevent the use of some ESD techniques in certain areas on the site. In a memo dated September 27, 2010, the Prince George’s

County Soil Conservation District (SCD) commented that "Based on previous comments the stormwater management as proposed will not work with Christiana clay." At this point it is unclear what stormwater management techniques will be used. Condition have been recommended to further evaluate SWM techniques as it relates to the review of the TCP.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

Woodland conservation is discussed in detail in the Environmental Review section.

Summary of Conformance with the Green Infrastructure Plan

The submitted TCP1 (Applicant's Exhibit A) results in the preservation on-site of 2.46 acres of existing woodlands and the removal of all specimen trees. A revised TCP1 has not been submitted which reflects the revised variation request and reduction in the limit of disturbance (Applicant's Exhibits) as proposed by the applicant. The applicant's exhibits were generated later in the process and are an attempt by the applicant to address the staff recommendations for the variances for specimen tree removal.

The plans propose to address water quality issues by providing the required stormwater management facilities. Conditions of approval are recommended in this memorandum to address a different configuration of uses that will result in the preservation of the highest quality specimen trees on the site.

Prior to signature approval of the preliminary plan, the approved stormwater concept plan must be submitted, and at the time of submittal of the TCP2, the technical plan must be submitted for review. These submittals will ensure coordination between the stormwater management proposal and the limits of disturbance shown on each TCP.

The tree conservation plan is in conformance with the Green Infrastructure Plan with regard to applicable tree preservation and water quality policies and strategies subject to conditions for revisions.

Environmental Review

The site has a signed Natural Resource Inventory plan (NR1-001-10-01) that was submitted with the subject application. The site contains two forest stands. According to the NRI, Stand 1 is 1.91 acres and is dominated by Virginia pine and also contains pin oak, black gum, sweetgum, red oak, sugar maple, and red maple. The understory contains multiflora rose, American holly, and English ivy. This stand has a priority rating of "low" for preservation and restoration based on the guidelines for assigning priorities for preservation to forest stands contained in Part A of the Environmental Technical Manual. The stand contains several invasive species and consists of a Virginia pine forest that is transitioning to a hardwood forest. There are several downed trees and trees that are in a hazardous condition.

Stand 2 is a mixed hardwood forest that contains sweetgum, white oak, red maple, some minor areas of Virginia pine, American Holly and white ash and covers 7.06 acres. This stand contains 12 specimen trees and 44 significant trees (trees that have a diameter of 20 inches or larger, but less than the 30-inch diameter that would designate these trees as specimens). The understory contains arrowwood, multiflora rose, sweetgum, poison ivy, Virginia pine, Leyland cypress, and mountain laurel. This stand has a priority rating of "high" for preservation and restoration based on the guidelines for assigning priorities for preservation to forest stands contained in Part A of the Environmental Technical Manual. This stand is rated a high priority for preservation and restoration because of the presence of multiple specimen trees and the overall stand condition.

A wetland delineation report originally showed a non-tidal wetland in the center of the property. Subsequent to the submittal of the preliminary plan application, a field visit was conducted by the Maryland Department of Environment (MDE). During the site visit, staff from MDE determined that there are no regulated wetlands on the subject site. Staff agrees with this conclusion and the TCP1 and preliminary plan have been revised to delete the wetland delineation.

The site contains 12 specimen trees; however 44 other significant trees were also identified and noted on the NRI. The "FSD and NRI Specimen, Champion, and Historic Tree Table" is correctly shown on the plan.

Existing conditions as shown on the revised signed NRI must be reflected on the preliminary plan and TCP1 prior to signature approval because the NRI was revised and approved subsequent to the initial submittal of this application,

The TCP1 correctly indicates the site contains 12 specimen trees. Section 25-122(b)(1)(G) requires that:

"Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

A revised variance request, stamped as received on October 13, 2010 was submitted and reviewed. The variance request and TCP1 originally proposed to remove all 12 specimen trees for grading, placement of proposed buildings, storm drains, and parking. The current request is for the removal of nine of the 12 specimen trees.

Subsequent to receiving the original variation request, staff visited the site on September 20, 2010 to perform an on-site evaluation of each tree and determined which of the specimen trees were the highest priority for preservation based on their location, species, and condition. As a result of the on-site visit, three high priority preservation areas, 1A, 1B, and 1C, were identified (EPS Staff's Exhibit A), as discussed above.

Area 1A is located east of the proposed entrance along Good Luck Road and includes specimen tree 1, a 30-inch diameter white oak. This tree is described as being in "fair" condition, with a rating of 78; however, staff's investigation gave this tree a higher rating. Given its species' tolerance for construction damage (high) it is an excellent tree for preservation. The Planning Board requires a shift in the limits of disturbance in this area to ensure an adequate undisturbed root zone for specimen tree 1 and significant tree 2 as a condition of approval.

Area 1B is located east of the proposed monastery and includes a cluster of five willow oak trees, three of which are specimen trees (13, 16, and 17) ranging in diameter from 27 to 41 inches. Specimen tree 16 is in poor condition; however its proximity to tree 17 warrants the preservation of the stump when this tree is cut down (see the table provided below). Not all of the individual trees in this cluster warrant preservation; however, to ensure the preservation of the trees that are the focus of the preservation efforts in this area (specimen tree 17, and significant trees 18 and 19) the trees in the proximity to the trees to be preserved must also remain outside the limits of disturbance. The TCP2 will contain specific notes regarding the treatment of the individual trees approved for removal outside the limits of disturbance. In this area, applicant's Exhibit C shows the removal of specimen trees 16 and 17 and significant trees 11, 12, 14, 15, 19, 20 and 22. Significant trees 18 and 21 are shown to be preserved.

Area 1C is located on the west side of the site between proposed Lot 9 and the cultural center. This area contains specimen tree 37, a 35-inch diameter willow oak that is in excellent condition. Applicant's Exhibit C shows a significant impact to the critical root zone (CRZ) of this tree. The Planning Board requires a shift in the limits of disturbance to preserve more, if not 100 percent, of the CRZ for this tree.

Area 2 as shown on EPS Staff Exhibit A is located along the eastern property line. It contains a large number of the significant trees on the site. It may also serve to meet the Landscape Manual requirement for a buffer along this property line.

All of the priority areas recommended for preservation are located along the perimeter of the proposed 11.67-acre parcel that will contain the cultural center buildings.

Variance VWC-10006 Summary

The following is a summary of the variance request submitted October 13, 2010 that is based on **Applicant's Exhibit C**. The variance request divides the trees into three groups. The trees in Group 1 are the specimen trees to be preserved as shown on Applicant's Exhibit C. Group 2 are the specimen trees that are proposed to be removed for the construction of the mosque, related buildings and the parking structure. Group 3 are the specimen trees that are proposed to be removed for the construction of utilities and a day care center on the eastern portion of the site.

Group 1 includes specimen trees 1, 25, and 37 that are proposed to be preserved. Trees 1 and 37 are located within priority areas 1A and 1C, and tree 25 is located in priority area 2 as identified

on EPS Staff Exhibit A. The proposed limits of disturbance on applicant's exhibit C are not sufficient to ensure the preservation of tree 37; the variance request states that almost 30 percent of the CRZ would be disturbed, mainly to the east of this tree for the construction of the cultural center. Even though willow oak trees are fairly tolerant of construction damage, there will be a significant amount of disturbance on this site for the excavation of the underground parking garage. The tree will also be impacted by the construction and grading proposed for the single family detached homes to the west and the construction of a building within 25 feet of the trunk of this tree (as shown on Applicant's Exhibit C). The limits of disturbance need to be revised on the TCP1 to ensure the preservation of this tree's critical root zone. The preservation of at least 90 percent of the CRZ will be necessary to ensure that this tree survives construction. A condition is proposed to address the necessary limits of disturbance.

Specimen tree 25 is in poor condition. This tree will remain outside the limits of disturbance and be cut down with the stump left in place. Leaving the stump in place ensures the stability of the root systems of the remaining trees.

Special treatments for specimen and significant trees on this site should be provided in detail on the TCP2 to include at a minimum: method for the removal of certain trees outside the limits of disturbance while leaving the stumps in place; the provision of semi-permanent tree protection devices that will endure the extensive excavation proposed; the provision of root pruning along the limits of disturbance; and a forest management plan for the woodland conservation areas to remain that includes a plan for the removal of invasive plant species and overall improvement of the health of the remaining woodlands.

No variance was granted because these specimen trees are to remain.

Group 2 includes specimen trees 7, 48, 51 and 53 all of which are to be removed. Specimen tree 7 is located east of the proposed monastery and is adjacent to priority area 1B. It is in a location that is necessary to provide traffic access for emergency vehicles to the rear of the proposed development. Specimen trees 48, 51 and 53 are located within the central portion of the site where most of the development is proposed. **Group 4** includes specimen tree 56 and is analyzed with Group 2 because its removal is approved based on similar circumstances as the trees in Group 2.

Section 25-119(d)(1) of the Woodland and Wildlife Habitat Conservation Ordinance contains six required findings **[text in bold]** to be made before a variance can be granted. The Planning Board approved the **removal of Specimen Trees 7, 48, 51 and 53** based on the following finding:

- (A) **Special conditions peculiar to the property have caused the unwarranted hardship;**

There are several fixed points on the subject property. The main entrance needs to align with 100th Avenue and the entrance to the underground garage needs to align with 97th Place. The largest developable portion of the property is located along this property line which constitutes the longest axis of the property. To preserve trees 7, 48, 51 and 53

would result in undue hardship because these trees are located within the central development envelop of the site. In addition, in order to reduce the amount of surface parking required, the proposal is providing underground parking. The excavation necessary to construct the underground parking would be contrary to the ability to preserve these specimen trees. The required improvements to 97th avenue will also necessitate the removal of specimen tree 56 because it is within a public right-of-way.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The development of an institutional use frequently results in the need for large building footprints and a high number of parking spaces. Trees 7, 48, 51 and 53 are located in the central portion of the property and as such their preservation is not in keeping with the development of an institutional use of this size. Even if the property was developed using the current zoning (R-80) it would be difficult to preserve these trees and provide for the necessary grading and utility installation. Tree 56 is also in a difficult location for preservation due to the necessary utility installation along 97th Avenue.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

This application is being reviewed using the same parameters as other similar types of projects. This type of institutional use is more similar to a shopping center with regard to parking requirements and building layouts than to a residential use. On any application the fixed points are considered when reviewing an application for tree and woodland preservation and with this application the fixed points include the entrance locations, the off-site utility connection points and the added constraint of the need to place the building in a certain orientation. Considering all of these factors does not confer on this applicant a special privilege that would be denied to other applicants.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The request for this variance is not based on any previous actions by the applicant such as a violation or other activity that was not previously approved.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

Nothing related to the neighboring properties is a factor in this request.

(F) Granting of the variance will not adversely affect water quality.

The specimen trees are not within or directly adjacent to any regulated environmental features associated with a stream, wetland or 100-year floodplain; however, they do provide water quality benefits by intercepting rainwater. The stormwater management regulations will address how the loss of tree canopy on the site will be compensated for through the provision of water quality and quantity controls.

The Planning Board granted the request to remove specimen trees 7, 48, 51, 53 and 56.

Group 3 includes specimen trees 5, 13, 16, and 17 all of which are requested for removal in the variance application. The request states that the locations of these trees present an impediment to designing a fire access lane to the rear of the site and "...the need to provide for sewer connections to Anita Lane, and also the desire to provide for a Day Care Center." The justification statement notes that the utility connections to Anita Lane are "necessary" and notes that the day care center is a "desire." The final design of the necessary utilities has not been determined at the present time. When the TCP2 is prepared, sufficient information will be available to address which of the specimen and significant trees in this area must be removed for the installation of required utilities and which trees can be preserved. The analysis of the location and design of this additional use can be evaluated at that time.

The limit of disturbance (LOD) approved on Environmental Planning Section (EPS) Staff Exhibit B is based on the conceptual site layout and TCP1. It is anticipated that as more detailed utility and construction drawings are initiated, or the applicant files for a detailed site plan for the day care center, a modification to that LOD may occur. In order for the applicant to connect to existing utilities on Anita Lane, a modification will be necessary to the LOD in that area. Prior to the approval of a grading permit for the installation of the utilities or detailed site plan for a day care center, a TCP2 is required. The applicant at that time may request a variance to Subtitle 25 for the removal of specimen trees. The analysis of that variance will occur based on the review of the more detailed utility and stormwater management technical plans, and TCP2. As a part of a grading permit application, the variance may be approved by the Planning Director prior to approval of a permit. As a companion application to a detailed site plan the variance would be approved by the Planning Board.

Tree 13 is in a location similar to tree 7 (in Group 2) in that it is in an area that needs to be graded to provide access to the rear of the building for emergency vehicles. As such, its removal is justified. This tree should only be cut down to its stump so that the critical root zone of tree 17 is not impacted by its removal. Specimen tree 17 should be preserved because specimen tree 16 is within the critical root zone of tree 17.

Section 25-119(d)(1) of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) contains six required findings [**text in bold**] to be made before a variance can be granted. The Planning Board grants the request for the removal of trees 5, 13, and 16 and finds the following for the **removal of specimen trees 5, 13 and 16:**

- (A) **Special conditions peculiar to the property have caused the unwarranted hardship;**

There are several fixed points on the subject property. The main entrance needs to align with 100th Avenue and the entrance to the underground garage needs to align with 97th Place. The largest developable portion of the property is located along this property line which constitutes the longest axis of the property. To preserve trees 5 and 13 would result in an unwarranted hardship because of the requirement for the design to provide for emergency access. These trees are particularly vulnerable because of the entrance location across from 100th Avenue. The justification states that the separation of pedestrian and vehicular traffic is a key component of the overall development. This goal can be met without the removal of specimen tree 17 and the associated significant trees.

Specimen tree 16 is being recommended for removal because of its condition. This removal should be of the trunk and branches only, leaving the stump in place so that the roots of the other trees are not impacted.

With regard to the utility installation, while the tie-in points are fixed at Anita Lane the connections can be designed in such a way to preserve specimen tree 17 and others in the vicinity because the trunk of tree 17 is over 100 feet from the nearest tie-in point.

With regard to the day care center, the statement of justification describes this as a "desired use" that is in essence accessory to the primary use as a mosque and community center. Because a detailed site plan is required prior to the approval of this use, the TCP1 should be prepared to show a building layout that does not include the day care center. At the time of the review of the detailed site plan, further consideration can be given to the preservation of the trees in this area and the design of the day care use.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The development of an institutional use frequently results in the need for large building footprints and a high number of parking spaces. Trees 5 and 13 are located in a portion of the property where emergency access to the rear of the proposed building is necessary. This

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Applications are evaluated based on the fixed points on a site and the need to meet other requirements of County Code. The approval of a variance for the removal of trees 5 and 13 would not confer a special privilege because all sites must meet the standards of the County Code.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The request for this variance is not based on any previous actions by the applicant such as a violation or other activity that was not previously approved.

- (E) **The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

Nothing related to the neighboring properties is a factor in this request.

- (F) **Granting of the variance will not adversely affect water quality.**

The specimen trees are not within or directly adjacent to any regulated environmental features associated with a stream, wetland or 100-year floodplain; however, they do provide water quality benefits by intercepting rainwater. The stormwater management regulations will address how the loss of tree canopy on the site will be compensated for through the provision of water quality and quantity controls.

The Planning Board grants the request to remove specimen trees 5, 13 and 16.

The Planning Board does not grant the request for the removal of specimen tree 17 at this time. At the time of the review of the detailed site plan or more detailed construction drawings, further consideration can be given to the preservation of specimen tree 17 and the associated significant trees along the north property line.

The Planning Board grants the request for the removal of specimen trees 5, 7, 13, 16, 25, 48, 51, 53 and 56. Specimen trees 16 and 25 shall be cut down at the base and the stumps shall remain in place to ensure the stability of the trees to be preserved in the vicinity. Specimen trees 1, 17 and 37 shall remain. And the limit of disturbance revised in accordance with EPS Staff Exhibit B.

The following is a summary regarding the preservation of specimen trees and significant trees on the site. The EPS Staff's Exhibit B shows a conceptual limit of disturbance (LOD) that reflects the recommendations contained herein. The LOD shown does not assume the presence of a day care center for which a detailed site plan is required. The application for the day care center may include variance requests for the removal of specimen tree 17 shown on the TCPI to be preserved and an LOD that differs from that shown on the TCPI.

In addition to the specimen trees there are 44 significant trees on the site. Several of these trees are located in priority area 2 as noted on EPS Staff Exhibit A. Applicant's Exhibit C shows the relocation of the soccer fields to preserve more of area 2; however, three significant trees (24, 29 and 30) within this area would also be removed as a result. These trees should be preserved because they are in good or fair condition and because the remainder of the woodlands in this area are a low priority for preservation. The recreational fields are to be relocated to preserve these trees and the LOD adjusted in accordance with EPS Staff Exhibit B.

Several of the significant trees are in priority area 2 along the eastern perimeter of the site, as shown on EPS Staff Exhibit A. Applicant's Exhibit C shows most of these trees being preserved.

Summary of Planning Board Decision*

Specimen trees to be preserved	1, 17 and 37
Specimen trees approved for removal as shown on the TCP1 (within the limits of disturbance)	5, 7, 13, 16, 25, 48, 51, 53 and 56
Specimen trees approved for removal located within the preservation areas (trees to be removed with the stumps left in place)	16 and 25
Significant trees to be preserved	2, 8, 9, 15, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30
Significant trees approved for removal as shown on the TCP1 (within the limits of disturbance)	3, 4, 14, 31, 33, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 52, 54, 55
Significant trees approved for removal located within the preservation areas (trees to be removed with the stumps left in place)	11 and 12

* Note: trees 6, 10, 32 and 34 are dead and not considered in this evaluation.

EPS Staff Exhibit B is a modified version of Applicant's Exhibit C that shows a conceptual limit of disturbance that reflects the preservation or removal of the trees shown in the table above.

Prior to signature approval of the preliminary plan, the TCP1 and all associated plans shall be revised to show the conceptual limits of disturbance as shown on EPS Staff Exhibit B. The worksheet shall be revised as necessary and the plans should be signed and dated by the qualified professional who prepared the plans.

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland.

The Woodland Conservation Threshold for this 14.16-acre property is 20 percent of the net tract area or 2.83 acres. A Type 1 Tree Conservation Plan (TCP1-009-10) was submitted on September 13, 2010 to address the woodland conservation requirements. The plans have not been revised since that time. The discussion and conditions provided above address the priority areas for woodland conservation and the preservation concept to be implemented.

In addition to the numerous specimen and significant trees, the site contains approximately 30 American holly trees that are in excellent condition. These trees are native to the Mid-Atlantic area and are easily transplanted. The applicant has proffered to transplant between 20 and 30 of these trees to other locations on the site. Transplanting these on-site trees will be a benefit to the site because it will help to create the appearance of a mature landscape more quickly. In addition, the transplanting of native plants on-site is a conservation priority in the ordinance because it preserves the native genetics and seed stock. At the time of the review of the TCP2 application, the trees most suitable for transplanting should be identified and plan for their transplantation should be included with the TCP2.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Christian, Keyport, and Sunnyside series. Keyport and Christiana soils are highly erodible. Christiana soils are clays that may be unstable and have a very high shrink-swell potential. This creates a condition of potentially "unsafe lands" that must address the provisions of Section 24-131 of the Subdivision Regulations. Additionally, because of the presence of Christiana clay, special measures may be required to control stormwater runoff, sedimentation, and erosion. The proposed layout as reflected by this application could be significantly altered by the findings of a soils report.

Christiana clay has been identified on the site, therefore a geotechnical report is recommended to determine its exact location and elevation, and assess it with the current proposed design. It should be noted that the Prince George's County Department of Public Works and Transportation may require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review. The report will be reviewed by Prince George's County Soil Conservation District. A detailed geotechnical report that identifies the location and depth of the Christiana clays has been submitted. Subsequent reviews and comments will be provided by the Prince George's County Soil Conservation District and George's County Department of Public Works and Transportation.

The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance. The requirement for the subject property is 15 percent of the gross tract area or 2.13 acres (92,783 square feet) based on the R-80 Zone. This requirement can be met by the proposed on-site woodland conservation which totals approximately 101,157 square feet in area or through the planting of woodlands or landscape trees throughout the site. The tree conservation plan conforms to the Green Infrastructure Plan with regard to applicable tree preservation and water quality policies and strategies subject to conditions.

5. **Community Planning**—The applicant proposes a "community center" complex oriented towards Good Luck Road consisting of several uses and ten single-family dwelling units oriented towards 97th Avenue. The mosque is considered an institutional use, and categorized as a "church or similar place of worship" in the Zoning Ordinance. The mosque includes the following associated uses: reception hall; Turkish Islamic garden; Turkish bath; convent/monastery; daycare with adjacent recreation fields; theology center; and underground parking facilities.

In accordance with the 2002 *Approved Prince George's County General Plan* this application is located in the Developing Tier. "The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable." The preliminary subdivision application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The proposed land use is consistent with the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment*, in Planning Area 70/Living Area 2 (LA 2). The proposed development conforms to specific design principles outlined in the Community Design and Identity chapter of the approved sector plan based on the preliminary plan and the tree conservation plan submitted with this application. The master plan land use recommendation is for residential low. The sectional map amendment retained the R-80 Zone for the subject property.

The March 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment (SMA)* future land use map, located in the Future Land Use chapter of the sector plan, recommends that these parcels be developed as Residential Low density. The sectional map amendment retained the R-80 zoning which permits single-family development with a maximum density of 4.5 dwelling units per acre. A "church or similar place of worship" in the R-80 Zone is defined as a permitted use (Table of Uses, Section 27-441 of the Zoning Ordinance). The preliminary plan is consistent with the land uses and density envisioned by the master plan and sectional map amendment.

The 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment* provides design principles that address existing community design issues in residential, commercial, and employment areas within the sector plan area. These design principles support plan goals such as: providing adequate pedestrian access and safe routes to residential, commercial and other uses; creating a distinct identity among the various neighborhoods; adding buffers between incompatible uses; and limiting incompatible infill development.

The evaluation of the design principles are based on review of the preliminary subdivision plan and the tree conservation plan (TCP)-Type I. The TCP in establishing the limit of disturbance proposes a conceptual layout of the proposed improvements. The TCP illustrates proposed conditions on the property including infrastructure, topography, tree cover and the subdivision of lots for the ten proposed residences.

The residential design principles for new construction are located on pages 90-100 of the approved sector plan. Only those residential design principles that are directly relevant to the application's ten proposed single-family units are addressed below:

Residential Site and Street Design:

- **Ensure uniform setbacks**

- **Orient buildings to the street**

The tree conservation plan shows that the ten proposed single-family units have uniform setbacks along 97th Avenue. The lotting pattern orients the dwellings toward the street, consistent with the lotting pattern of the existing dwellings on the west side of 97th Avenue.

Buffer adjacent nonresidential uses

The tree conservation plan proposes a 35 to 40-foot-wide landscaped buffer between the proposed single-family units and the other proposed uses located southeast of the residential lots. Residential lots 4, 5, 6 and 7 are buffered towards the south by a preservation area of 1.19 acres. In addition, a 35-foot landscaped area in conjunction with retained woodlands form a buffer along the eastern border of the property to separate the proposed uses from single-family residential and open space uses adjacent to the property. The proposed development is subject to the requirements for buffers as outlined in the Landscape Manual, which establishes appropriate standards for buffering incompatible uses. Conformance to the Landscape Manual will be determined at the time of building permit.

Provide continuous sidewalks

Sidewalks currently do not exist along the properties frontage on 97th Avenue and Good Luck Road, therefore the applicant should construct them to accommodate pedestrian activity. The Department of Public Works and Transportation in their referral dated August 17, 2010 (Abraham to Chellis) states that "[s]idewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance." Sidewalks will be required at the time of street construction permits which will be approved by the Department of Public Works and Transportation.

Though the remaining uses proposed by the applicant are institutional, the following commercial/employment center design principles are related to the proposed complex:

Commercial/Employment Center Site and Street Design:

Place parking areas to the rear

The building layout concept as reflected on the tree conservation plan shows that the majority of parking on the site will be provided by an underground parking garage. There are also two small surface parking areas which do not dominate the streetscape. However, the parking area to the north will be further modified by revisions required by the Planning Board to increase buffering along the north property line, further reducing the parking visibility from Good Luck Road.

Buffer residential uses

The tree conservation plan shows that there is a 35-foot to 40-foot landscaped buffer between the proposed single-family units and the other proposed uses located southeast of the residential lots. Residential lots 4, 5, 6 and 7 are buffered towards the south by a preservation area of 1.19 acres. In addition, a 35-foot landscaped area in conjunction with retained woodlands form a buffer along the eastern border of the property to separate the proposed uses from single-family residential and open space uses adjacent to the property.

During the planning process for the development of the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment*, traffic congestion and pedestrian safety along Good Luck Road, especially at its intersection with Greenbelt Road (MD 193), were two issues raised by the community. Two schools which serve the community, DuVal High School and the Robert Goddard French Immersion School are also located on Good Luck Road. In addition, several Washington Metropolitan Area Transit Authority (WMATA) Metro bus lines service Good Luck Road. The sector plan transportation recommendations for Good Luck Road include: a proposed bikeway with sidepaths, designated bike lanes and upgrading the road from two to four lanes. The pedestrian improvements will be a part of the frontage improvements within the rights-of-way of Good Luck Road and 97th Avenue, as required by the Department of Public Works and Transportation and the County Road Code.

Maintenance of the existing tree cover and flooding were two issues raised by the community during the planning process. The applicant is subject to the tree canopy requirement of Subtitle 25 as discussed in the Environmental Section. The DPW&T has issued a concept approval letter for stormwater management (SWM) as discussed further. The site does not contain 100-year floodplain.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Planning Board imposes Condition No. 9, above, which requires that the applicant pay a fee-in-lieu of parkland dedication for Lots 1–10 because the land available for dedication is unsuitable due to its size and location.

The Good Luck Heights subdivision is located abutting to the north. Parcel A (WWW 74@95) (19,606 square feet) was conveyed to M-NCPPC in 1970 as a part of that preliminary plan application, and shares 168 feet of common boundary with the subject property. This open-space parcel is currently not being utilized as part of the public park system, and an expansion of that open space is not recommended.

7. **Trails**—The preliminary plan was reviewed for conformance with the *Countywide Master plan of Transportation (MPOT)* and the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment* (area master plan).

Good Luck Road (C-341) contains 'standard' sidewalks on both sides of the road north and south of the subject property. The MPOT and the area master plan each recommend that Good Luck Road contain a sidepath and designated bike lanes. These facilities will accommodate non-motorized access to the Greenbelt National Park, area schools and the Good Luck Community

Center. This is a major east/west connection through northern Prince George's County. The area master plan includes a recommendation to create environments that are more conducive to non-motorized travel and to continue to develop a network of pedestrian and bicycle trails that connect destinations within the planning area. Responsible parties indicated in the plan include the M-NCPPC Transportation Planning Section, the Department of Public Works and Transportation, and private developers.

The applicant should construct a minimum eight-foot-wide sidepath along the entire property frontage of Good Luck Road. Good Luck Road is recommended in the MPOT to be an 80-foot-wide right-of-way collector road with two to four travel lanes, bike lanes, and a sidepath facility. It will connect to the internal on site network proposed by the applicant. The bike lanes will be provided by the County in the future.

The variable right-of-way proposed by the applicant is approximately 82 to 83 feet in width, which is enough right-of-way to implement master planned sidepath and bike lane facilities. The County's Specifications and Standards for Roadways and Bridges contain a standard for an 80-foot-wide collector road with bike lanes and a "hiker/biker trail." Even though bike lanes will be implemented on Good Luck Road by the County in the future, bikers currently use the road. The paved shoulders are wide enough for bike travel.

The Maryland State Highway Administration Bicycle and Pedestrian Design Guidelines recommend that "Share the Road" warning signs be placed along roadways where bicyclists can be expected to frequently enter the traveled lane to avoid potentially hazardous conditions. In general, the signs should not be used in locations with good bicycling conditions, such as roadways with low traffic volumes or roads with wide paved shoulders or bicycle lanes. This signage is not recommended because this section of road contains wide paved shoulders and good bicycling conditions.

The subject property is located adjacent to a master planned bike lanes facility and a sidepath. It is therefore recommended that the applicant provide bicycle parking on the subject property to serve the intended use.

The proposal should include a minimum eight-foot-wide sidepath along Good Luck Road and a minimum five-foot-wide sidewalk along 97th Avenue that connects to the proposed internal sidewalk system.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

8. **Transportation**—The subject property consists of approximately 14.16 acres of land in the R-80 Zone. The site is located on the north side of Good Luck Road between 97th Avenue and 100th Avenue. The applicant proposes to develop the property as a residential and institutional

development, including a mosque and community center of approximately 130,000 square feet (not including the square footage of the related parking garage) and ten residential lots.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a residential and institutional development, including a mosque and community center of approximately 130,000 square feet (not including the square footage of the related parking garage) and ten residential lots. The table below summarizes trip generation for each use, and highlights the critical numbers for trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

4-10006, Turkish American Community Center	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Institutional								
Mosque – Prayer Hall	20,875	Sq feet	8	4	12	5	6	11
Mosque – Turkish Bath	44,860	Sq feet	26	16	42*	14	24	38*
Mosque – Reception Hall	10,169	Sq feet	10	6	16	6	9	15
Theology Center	18,552	Sq feet	41	14	55	27	20	47
Convent/Monastery	19,078	Sq feet	0	0	0	0	0	0
Day Care Center	7,335	Sq feet	48	42	90	43	48	91
*see text below this table								
Residential								
Single-family Housing	10	Units	2	6	8	6	3	9
Total			135	88	223	101	110	211

The residential trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals (*Guidelines*). The institutional trip generation is obtained using a number of rates and assumptions taken from the *Trip Generation Manual* (Institute of Transportation Engineers), as described below:

- The trip generation for the prayer hall is estimated using trip rates for a church use. The trip generation for the Turkish bath and the reception hall are estimated using trip rates for a recreation community center use. The trip generation for the theology center is estimated using trip rates for a community college.
- The trip generation for the day care center is estimated using square footage as an independent variable. The 80-student maximum could have been used as an independent variable; the resulting trip generation would have been slightly lower. Also, it is noted that day care often has a component of pass-by traffic (i.e., traffic that is already using the adjacent roadway and stops to avail themselves of the use). No pass-by trip reduction was assumed under this analysis.

- The convent/monastery is considered to have no trips associated with it, and is assumed to be an accessory to the other uses on the site. It appears that this building would serve in a similar function to a rectory.
- The trip generation associated with the Turkish bath is based on an effective square footage of 25,871 square feet. Approximately 19,000 square feet of the use is devoted to ritual areas associated with the mosque, and it was agreed that no additional trips would be charged to these areas.
- In approving the trip generation, it is agreed that weekday peak hours are the critical peak hours in the consideration of the uses. There are ritual daily prayers five times daily, but these involve a few attendees rather than a massed assembly. During the holy month, there may be slightly greater attendance for the nightly prayer. The weekly Friday prayer at midday generally draws a larger assembly, but the size of this assembly is well within the trip generation estimates prepared above. There are no special assemblies that would regularly occur on Saturday or Sunday, and for that reason, no Saturday or Sunday analysis was deemed necessary.
- There are, as indicated by the application, two celebrations during the year that will draw a greater number of people. Given the low frequency of larger assemblies and irregularity of their timing during the year, these celebrations have not been studied for traffic impact. This is similar to the approach taken for other religious facilities to not study the one or two days of greatest attendance.

The traffic study contains a couple of trip generation inconsistencies internally, plus the proposal has been modified slightly over the course of review. In response to these issues, the applicant submitted a 16-page document dated October 12, 2010, marked as Appendix A. This document was used with the submitted traffic study to form the basis of the recommendation.

The traffic generated by the proposed preliminary plan would impact the following critical intersections, interchanges, and links in the transportation system:

- MD 193 and Good Luck Road (signalized)
- Good Luck Road and Cipriano Road (signalized)
- Good Luck Road and 100th Avenue/site access (unsignalized/all-way stop)
- Good Luck Road and 97th Place/site access (unsignalized)
- Good Luck Road and 97th Avenue (unsignalized)

The application is supported by a traffic study dated February 2010 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received and are attached. 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 (M-NCPPC), consistent with the Guidelines.

It is noted that the Good Luck Road/97th Avenue intersection was not included in the traffic study. Late during review of the study, it became apparent that this intersection should have been included as a critical intersection. The traffic consultant, in response, provided analyses based on an estimation of vehicle travel using 97th Avenue combined with through traffic counts along Good Luck Road. The day before this information was received, the (M-NCPPC) Transportation Planning Section independently counted the minor street traffic movements (right turns and left turns only) at Good Luck Road and 97th Avenue during the PM peak hour. It was substantiated that the applicant's estimation was consistent with actual peak hour counts taken the day before. The applicant's analyses are included and marked as Appendix B and the Transportation Planning Section count is marked as Appendix C, which have been incorporated into the traffic study as supplemental information.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. 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.

The following critical intersections, interchanges and links identified above (except as noted above), when analyzed with existing traffic using counts taken in early December 2009 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 and Good Luck Road	1,345	1,512	D	E
Good Luck Road and Cipriano Road	1,006	1,169	B	C
Good Luck Road and 100 th Avenue/site access	16.6*	25.4*	--	--
Good Luck Road and 97 th Place/site access	20.9*	17.9*	--	--
Good Luck Road and 97 th Avenue	23.1*	21.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

None of the critical intersections identified above are programmed for improvement with 100% 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." Background traffic has been developed for the study area using the limited approved but unbuilt development in the area and 1.0 percent annual growth rate in through traffic along MD 193 and Good Luck Road. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 and Good Luck Road	1,429	1,600	D	E
Good Luck Road and Cipriano Road	1,048	1,217	B	C
Good Luck Road and 100 th Avenue/site access	17.2*	27.4*	--	--
Good Luck Road and 97 th Place/site access	22.1*	18.7*	--	--
Good Luck Road and 97 th Avenue	24.5*	23.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the *Guidelines*, including the site trip generation as described above and the distribution as described in the traffic study, operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 193 and Good Luck Road	1,439	1,620	D	F
Good Luck Road and Cipriano Road	1,174	1,350	C	D
Good Luck Road and 100 th Avenue/site access	18.8*	27.1*	--	--
Good Luck Road and 97 th Place/site access	23.9*	19.7*	--	--
Good Luck Road and 97 th Avenue	31.2*	28.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that all but one of the critical intersections operate acceptably under total traffic in either one or both peak hours. In response to the inadequacy at the MD 193 and Good Luck Road intersection, the applicant proposes the following:

At the MD 193 and Good Luck Road intersection, the following are recommended:

- a. Restriping the eastbound approach of MD 193 to provide two left-turn lanes, two exclusive through lanes, and one shared through/right turn lane.
- b. Modification of the northbound free-right turn lane to place rights turns under a yield operation (thereby allowing the existing acceleration lane area to be used by the additional eastbound through lane).
- c. With the above improvements in place, the MD 193/Good Luck Road intersection would operate at LOS D, with a CLV of 1,439 in the AM peak hour, and at LOS D, with a CLV of 1,396 in the PM peak hour.

It is noted that each of the three unsignalized intersections along the frontage of the site would operate adequately under total traffic. *The Highway Capacity Manual* analysis procedure for unsignalized intersections is a planning-level analysis, as it only uses peak hour traffic volumes and the configuration of the intersection to make an assessment. This procedure is not a true test of adequacy but rather an indicator that further operational studies (signal warrant studies) need to be conducted. Such studies add off-peak hour volumes, safety data, pedestrian data, major street vehicle gap data, and other prescribed data to assess signal warrants. A signal can only be installed

when at least one warrant exists and when the operating agency agrees that the location warrants a signal. Often, operating agencies require that at least two of the 11 possible warrants for a signal be met before having a signal installed.

The traffic study was referred to and reviewed by DPW&T and SHA. The responses raise three issues:

- DPW&T has indicated that the intersection of Good Luck Road and 97th Avenue should have been studied. As noted earlier in the memorandum, additional data was collected by transportation staff, and additional analyses were provided by the applicant so that this intersection would be covered under the findings made by the Planning Board in this approval.
- SHA found an internal discrepancy in the traffic study. In response to a couple of discrepancies plus a modification of the overall proposal during the review process, the applicant has provided an addendum to address this issue.
- SHA recommended that the restriping of the eastbound MD 193 approach at Good Luck Road not be done in favor of widening the approach to provide an additional through lane. It was determined, however, that plans for restriping were reviewed and approved by SHA for implementation by another developer in the area, and were valid for implementation as late as early 2009. A discussion with SHA indicated that the restriping improvements were not fully bonded at this time, making them valid as a proffer by this applicant. SHA further indicated that they would want to maintain the right-turn bay if the development would have a large impact on the eastbound right-turn movement (greater than 50 peak-hour trips) in any peak hour. Given the limited impact in accordance with the traffic study (zero trips), SHA determined that the widening improvement should not be required of this application, and that the restriping improvement would suffice. Given that the restriping meets the requirements of the law, and given that SHA has accepted the restriping improvement in the recent past, it is recommended that restriping be incorporated as a condition.

Plan Analysis

With regard to the master plan for the site, the site is adjacent to Good Luck Road, which is a master plan collector facility. The plan provides for dedication of 40 feet from centerline. Within the site's frontage, adequate turning lanes shall be provided and parking shall be restricted along the north/west side of the roadway, in accordance with DPW&T standards and requirements. Given the size of the proposed institutional uses, access will be limited to Good Luck Road.

97th Avenue is being maintained on the plan with a 50-foot right-of-way, which is consistent with a secondary residential street. This is acceptable given that the street currently serves approximately 400 vehicles per day, and would increase by 90 with the additional ten residences. The total is well within the acceptable traffic range for this type of street. The current street measures 20 feet curb to curb without sidewalks on either side. DPW&T in their referral states that improvements on the

east side of the street will include widening the pavement to the 26-foot standard and the provision of a sidewalk.

The plan does not propose the extension of Luria Lane or Anita Lane along the northeast property boundary. Both streets are short, minor streets, and their extensions would have little functionality in consideration of neighborhood connectivity. Therefore, the non-extension of these streets is appropriate subject to the requirement that appropriate end treatments are installed at the ends of these streets in accordance with DPW&T requirements.

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 Code.

9. **Schools**—This preliminary plan of subdivision includes institutional with accessory uses, a day care center, and single-family residential lots.

Residential

The Planning Board has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 4	High School Cluster 2
Dwelling Units	10 DU	10 DU	10 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	1.6	1.3	1.4
Actual Enrollment	6,385	9,899	12,737
Total Enrollment	6,386.6	9,900.3	12,738.4
State Rated Capacity	6,335	11,571	13,026
Percent Capacity	100.8%	85.6%	97.8%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill

CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$ 13,921 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.

10. **Fire and Rescue**—This preliminary plan of subdivision includes institutional with accessory uses, a day care center, and single-family residential lots.

Residential

The Planning Board has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

The Planning Board has determined that this preliminary plan is **within** the 7-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
48	West Lanham Hills	8501 Good Luck Road

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

Nonresidential

The subdivision has been reviewed 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.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
48	West Lanham Hills	Engine	8501 Good Luck Road	1.44	3.25	Within
19	Bowie	Ladder Truck	13008 9 th Street	5.82	4.25	Beyond
18	Glenn Dale	Paramedic	11900 Glenn Dale Blvd.	4.17	7.25	Within
48	West Lanham Hills	Ambulance	8501 Good Luck Road	1.44	4.25	Within

In order to alleviate the negative impact on fire and rescue services noted above, 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

Capital Improvement Program (CIP)

The Capital Budget and Program Fiscal Years 2010-2015, provides for funding for renovating the existing West Lanham Hills Fire/EMS station 48 located at 8501 Good Luck Road.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—This preliminary plan of subdivision includes institutional with accessory uses, a day care center, and single-family residential lots.

Residential

The subject property is located in Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 6, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Cycle 1	7/2009-6/2010	9.0 Minutes	9.0 Minutes
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met July 7, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

Nonresidential

The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Prince George's County Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using the 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has the following comments to offer:
 - a. The abandoned shallow well adjacent to the existing house at 9604 Good Luck Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit process.
 - b. A raze permit is required prior to the removal of any of the structures (one house at 9604 Good Luck Road and three buildings at 9704 Good Luck Road) on site. A raze permit can be obtained through the Department of Environmental Resources (DER), 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.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 17244-2010-00, has been approved with conditions to

ensure that development of this site does not result in on-site or downstream flooding. development must be in accordance with this approved plan.

14. **Historic**—Phase I archeological survey is not recommended on the above-referenced 14.17-acre property located at 9704 Good Luck Road in Lanham, 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, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.

15. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents established on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility along the public rights-of-way as requested by the utility companies. A PUE is not required at the stub streets of Anita Lane and Luria Lane.

16. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System.

17. **Additional Residential Conversion**—The subject property is zoned R-80. While the subject application proposes a mix of uses any additional residential development above that approved with this application could require a new preliminary plan of subdivision because there are different adequate public facility tests for residential development. There are considerations for recreational components and different impacts on the public facilities which should be evaluated.

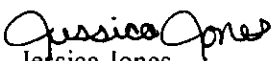
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire and Parker voting in favor of the motion, and with Commissioners Vaughns and Cavitt opposing the motion at its regular meeting held on Thursday, October 28, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:WC:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 11/5/10