



PGCPB No. 16-110

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

File No. 4-15025

RESOLUTION

WHEREAS, Jain Society of Metropolitan Washington is the owner of a 5.79-acre parcel of land known as Parcel 36, Lot 32, and Lot 17, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned One-Family Detached Residential (R-80) (3.86 acres) and Rural Residential (R-R) (1.93 acres); and

WHEREAS, on June 23, 2016, Jain Society of Metropolitan Washington filed an application for approval of a Preliminary Plan of Subdivision for one lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-15025 for Jain Temple of Metropolitan Washington 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 22, 2016, for its review and action in accordance with the Land Use Article of the 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 22, 2016, 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 Type I Tree Conservation Plan TCP1-004-2016, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-15025, including a Variation from Section 24-121(a)(3), for one lot with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plans shall be revised to:
 - a. Show additional right-of-way dedication of 17 feet wide along Pine Street, unless modified by the operating agency.
 - b. Designate the proposed lot as "Parcel 1."
 - c. Label denial of access along Pine Street and Macon Street.
 - d. Correct the general notes to label the use as institutional/church or similar place of worship.

- e. Add the tree conservation plan number to General Note 29.
 - f. Delete Note 36.
 - g. Add a general note stating that "a variation to Section 24-121(a)(3) is approved for one point of access from Ammendale Road."
 - h. Label Ammendale Road as an arterial right-of-way with a 120-foot ultimate width.
 - i. Label the disposition of all existing improvements and utilities on the subject site.
 - j. Label Lincoln Avenue as "North Lincoln Avenue."
 - k. Label Macon Street as a "50-foot-wide right-of-way."
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 53837-2015 and any subsequent revisions.
3. Total development shall be limited to uses that would generate no more than 5AM and 5PM peak-hour vehicle trips Monday through Friday and 110 Sunday peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
5. At the time of building permit, the plans shall include the following:
- a. A minimum five-foot-wide sidewalk along the subject property frontage of North Lincoln Avenue, connecting to the trail on Ammendale Road, unless modified by the operating agency.
 - b. The use of full cut-off light fixtures to reduce light intrusion.
 - c. A "No Right Turn" sign at the exit from the property onto North Lincoln Avenue, unless modified by the Prince George's County Department of Public Works and Transportation.
6. The final plat shall note that the Planning Board's approval of a variation from Section 24-121(a)(3) of the Subdivision Regulation for direct access to Ammendale Road is limited to one right-in only access point and the denial of access along the site's frontage of Pine Street and Macon Street.

7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:
 - a. Revise the approval block to show the "TCPI-004-2016" number.
 - b. Add "arterial roadway" in parentheses after Ammendale Road.
 - c. Revise the Woodland Conservation worksheet to show credit for the specimen trees to remain. This may impact the total woodland conservation required.
 - d. Have the revised plan signed and dated by the qualified professional who prepared it.
 - e. Add the following note to the plan:

"NOTE: A variance application to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the preliminary plan to allow removal of Specimen Trees 3 through 22."

8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Dedicate 17 feet of frontage along Pine Street, unless modified by the operating agency.
 - b. Grant a 10-foot-wide public utility easement along all rights-of-way.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located in the southwest quadrant of the intersection of Ammendale Road and North Lincoln Avenue, approximately 2,200 feet east of I-95. The subject site previously contained a single-family detached dwelling which has been razed. The property is currently vacant and has not been the subject of a previously approved preliminary plan of subdivision (PPS). This preliminary plan of subdivision (PPS) includes Parcel 36, Lot 32, and Lot 17 recorded in the Prince George's County Land Records in Liber 32744 at Folio 371, Plat Book 2-56, and Plat Book 32-32, respectively.

The subject site has right-of-way frontage on Ammendale Road, North Lincoln Avenue, Macon Street, and Pine Street. The concept plan proposes to orient the temple to front on Ammendale Road, a master plan arterial (A-8) with an ultimate right-of-way width of 120 feet. Access to the subject site is proposed from Ammendale Road and North Lincoln Avenue. Section 24-121(a)(3) of the Subdivision Regulations state that "When lots are proposed on land adjacent to an existing

or planned roadway of arterial or higher classification, they shall be designed to front on either and interior street or a service road." The applicant requested approval of a variation for a single, right-in only, direct access driveway from the subject property to Ammendale Road. The Planning Board approved the variation as set forth below. No vehicular access is proposed to Macon Street or Pine Street.

The subject site contains 22 specimen trees. Section 25-122(b)(1)(G) of the County Code requires the preservation of specimen trees. The applicant requested approval of a variance for the removal of 20 of the 22 specimen trees. The Planning Board approved the variance as set forth below.

The gross acreage of the subject site is 5.79 acres and it is located in the R-80 (3.86 acres) (One-Family Detached Residential) and R-R (1.93 acres) (Rural Residential) Zones. The applicant is proposing one lot for construction of a 37,325-square-foot building for an institutional use. The current development proposal is for the construction of a temple, place of worship similar to a church but without scheduled services, a permitted use in the R-80 Zone and R-R Zone, which does not require the review and approval of a detailed site plan for a site over two acres. The applicant will be subject to the Zoning Ordinance and the 2010 *Prince George's County Landscape Manual* at the time of permit review.

3. **Setting**—The property is located on Tax Map 12, Grid F-2/F-3 in Planning Area 61 and is zoned R-80 and R-R. Development surrounding site includes; North Lincoln Avenue to the east; Ammendale Road and vacant R-R property to the north; single-family detached residences zoned R-R to the west; and Pine Street, Macon Street, and single-family detached residences zoned R-80 and R-R to the south.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	R-80/R-R	R-80 (3.86 acres) R-R (1.93 acres)
Use(s)	Vacant	Institutional (37,325 sq. ft.)
Acreage	5.79	5.79
Lots	2	0
Outlots	0	0
Parcels	1	1
Dwelling Units:	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes (25-122(b)(1)(G))
Variation	No	Yes (24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 15, 2016. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on July 20, 2016 and was heard at the SDRC meeting on August 12, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—In accordance with Section 24-121(a)(5) of the Subdivision Regulations, the proposed development is consistent with the *Plan Prince George's 2035 Approved General Plan* (General Plan) policies for established communities and conforms to the institutional land use recommendations for the subject property in the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment (Planning Areas 60, 61, 62, and 64)* (Subregion 1 Master Plan and SMA). This site is not located in any aviation policy area.
6. **Stormwater Management**—A Stormwater Management Concept Plan, 53837-2015-00, was approved for this site on January 20, 2016. The concept plan shows stormwater to be directed to several micro-bioretenement facilities on-site, and an underground storage facility beneath the parking area. The plan also shows pervious pavement to be used for 40 of the parking spaces.

Development must be in conformance with that approved plan or subsequent revisions to ensure that on-site or downstream flooding does not occur.
7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the PPS consists of nonresidential development and is therefore exempt from the Mandatory Dedication of Parkland requirement.
8. **Trails**—The PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), prior approvals, and the Subregion 1 Master Plan and SMA (area master plan).

The subject site is not located within a designated center or corridor per the Adequate Public Facility Review Map of the 2002 *Prince George's County Approved General Plan* and is not subject to the requirement of Section 24-124.01 and the "Transportation Review Guidelines—Part 2, 2013."

Section 24-123 of the Subdivision Regulations requires that land for bike trails and pedestrian circulation systems shall be shown on the PPS and where dedicated or reserved shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail as appropriate.

The MPOT designates Ammendale Road as a bikeway and recommends that the road contain a trail or sidepath. The County constructed bike lanes on the road, and also a shared-use sidepath was constructed by the County on the south side of Ammendale Road, a State Highway Administration roadway.

Sidewalks

The subdivision will conform to Section 24-123 of the Subdivision Regulations by showing a sidewalk along the subject property frontage of North Lincoln Avenue, with a connection to the existing trail on Ammendale Road. This sidewalk should be connected to the main entrance to the building. The concept plan indicates that internal sidewalks are proposed, and these internal sidewalks are adequate for the proposed use.

Bicycle Parking

When the area master plan was approved, several amendments were added by the District Council. One of the amendments recommends that bicycle parking should be convenient to the entrances to all businesses, multifamily dwellings and public, and quasi-public buildings (CR-58-2010, Amendment 21). Although the proposed temple is an institutional use, the location of bicycle parking near the main entrance of the building is encouraged.

Based on the preceding analysis and conditions of this approval, adequate bicycle and pedestrian transportation facilities will exist to serve the proposed subdivision, as required under Section 24-123 of the Prince George's County Code.

9. **Transportation**—The site has never been the subject of an approved PPS and therefore, there are no underlying transportation conditions. The total square footage of the proposed building is 37,325 square feet to be constructed in three phases according to the concept plan. Traffic counts dated July 28, 2016, were submitted by the applicant and reviewed for the site.

Traffic Analysis

According to the applicant's traffic consultant, the facility will have a capacity for 400 people, however, visitors will come to the temple on an unscheduled basis. During the AM and PM peak hour it is expected there would be a *de minimis* impact on surrounding roadways, meaning five or fewer trips. There will be two or three employees at the site during peak hours.

According to the applicant, Sunday school classes will be offered, hence the need for a Sunday traffic count to assess traffic conditions. A March 2015 traffic count was factored up to account for existing conditions. It was taken between 9:00 AM and 2:00 PM. It is expected that at most 110 vehicles would enter the site during any given hour on Sunday. A majority of the traffic is expected to approach the site from I-95. Future traffic was combined with existing traffic to obtain total traffic conditions as shown below.

The findings outlined below are based upon a review of materials and analyses consistent with the "Transportation Review Guidelines, Part 1, 2012" (Guidelines). The subject property is located within Transportation Service Area (TSA) 2, as defined in *The Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). As such, the subject property is evaluated according to the following standards:

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at un-signalized 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.

EXISTING TRAFFIC CONDITIONS						
Intersection	Critical Lane Volumes (CLV) (AM/PM/Sunday)			Level of Service (LOS) (AM/PM/Sunday)		
Ammendale Road & North Lincoln Avenue*	N/A	N/A	13.4	--	--	--
BACKGROUND TRAFFIC CONDITIONS						
Intersection	Critical Lane Volumes (CLV) (AM/PM/Sunday)			Level of Service (LOS) (AM/PM/Sunday)		
Ammendale Road & North Lincoln Avenue*	N/A	N/A	13.4	--	--	--
TOTAL TRAFFIC CONDITIONS						
Intersection	Critical Lane Volumes (CLV) (AM/PM/Sunday)			Level of Service (LOS) (AM/PM/Sunday)		
Ammendale Road & North Lincoln Avenue*	N/A	N/A	20.4	--	--	--

*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 Guidelines, 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 intersection operates at acceptable levels during the Sunday peak hour when 110 vehicles are expected under total traffic conditions as shown above. The critical intersection identified above is not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program."

Site Access Evaluation

The subject site has right-of-way frontage on Ammendale Road, North Lincoln Avenue, Macon Street, and Pine Street. On-site access will be provided from Ammendale Road and North Lincoln Avenue. The applicant's traffic consultant recommended that the site entrance on Ammendale Road be relocated to a safer location and be restricted to inbound traffic only. Any queuing of vehicles exiting the site from North Lincoln Avenue would occur on site based on a study by the applicant's consultant.

The operating agencies Maryland State Highway Administration (SHA) and/or Department of Public Works and Transportation (DPW&T) are responsible for reviewing and approving the relocation of the Ammendale Road entrance and any operational changes or improvements along both Ammendale Road and North Lincoln Avenue. The applicant will be responsible for all site entrance improvements on Ammendale Road and/or on North Lincoln Avenue. Overall, on-site access and circulation is adequate.

Variation Request

A variation to Section 24-121(a)(3) of the Subdivision Regulations is approved with this application for one access point on an arterial roadway (Ammendale Road). The granting of the variation will reduce traffic on nearby local residential roads and improve circulation. However, the access point will have to be approved by the operating agency.

Rights-of-Way

Ammendale Road is identified in the Subregion 1 Master Plan and SMA as an arterial roadway with an ultimate right-of-way (ROW) of 120 feet. North Lincoln Avenue is an existing ultimate ROW with 60 feet. No further dedication is required. No structures or improvements are shown in the right-of-way of either roadway. Macon Street and Pine Street are existing with an ultimate ROW of 50 feet. The Department of Public Works and Transportation (DPW&T) has indicated that dedication of an additional 17 feet (25 feet from centerline) is required from the subject site along Pine Street.

Based on the preceding findings and conditions of approval, adequate transportation facilities will exist as required in accordance with Section 24-124 of the Subdivision Regulations.

10. **Variation**—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for the creation of new lots that front on arterial roadways. This section requires that these lots be designed to front on either an interior street or service road. This design guideline requires that an applicant develop alternatives to direct access onto an arterial roadway.

Section 24-121. Planning and design requirements.

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they *shall* be designed to front on either an interior street or a service road.**

The site has frontage on Ammendale Road, a master plan arterial roadway (A-8); and North Lincoln Avenue, Pine Street and Macon Street, all primary roadways which provide access to the surrounding residential neighborhood. The applicant intends to provide an access via North Lincoln Avenue, a 60-foot-wide public right-of-way, and is requesting a variation to the requirements of Section 24-121(a)(3) to allow for one direct access driveway from Ammendale Road to the subject site. No direct access is proposed to Macon Street and Pine Street. The variation was submitted by the applicant on July 20, 2016, in accordance with Section 24-113. Based on the findings set forth, the Planning Board approves the Variation to Section 24-121(a)(3) for one right-in only access from Ammendale Road. The appropriate location of the access, based on any site distance or cross access issues, will be determined by SHA at the time of access permit review.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation request:

Section 24-113 Variations

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The subject property has frontage on the eastbound side of Ammendale Road. The access driveway will provide right-in turning movements into the subject site, without disruption to traffic. The access will provide the opportunity for traffic to enter the site without having to utilize the residential streets adjacent to the site.

The proposed access will not block, obstruct, or impede access to any other property. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property. Moreover, any access permits will be required to be approved by the operating agency.

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

The shape of the subject property is irregular, having approximately 417 feet of frontage along Ammendale Road, 304 feet along North Lincoln Avenue, 50 feet along Macon Street, and 390 feet along Pine Street. Neighboring properties are all zoned and currently developed residentially. The ability to access the site directly from Ammendale Road will provide separation of the vehicles entering the site and reduce cut-through traffic within the surrounding residential neighborhood, a desire expressed by several residents of the surrounding community. Therefore, the conditions on which the variation is based are unique to this property.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The applicant will also be required to obtain an access permit from SHA for the location and design of the access.

This PPS and variation request for access from Ammendale Road was referred to SHA. SHA offered preliminary comments indicating that frontage and off-site improvements will require an SHA access permit. The access location and design will be further reviewed and determined by SHA at the time of permit review.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The topography of the subject site is such that there is a 12- to 14-foot grade difference from the northern part of the property along Ammendale Road and North Lincoln Avenue to the southern boundary of the property along Pine Street and Macon Street. The concept plan proposes to grade the site to provide access to Ammendale Road and North Lincoln Avenue. If the variation was not approved and the site was graded to provide access to via the internal residential streets (Macon Street and Pine Street), the adjacent residential neighborhood and streets would be fully impacted by the traffic generated by the subject site and would

preclude future access from Ammendale Road and North Lincoln Avenue due to the grade change. Further, the transportation analysis provided with this application finds that adequate access will exist given the two proposed access points on Ammendale Road and North Lincoln Avenue. Direct access to the site from Ammendale Road will help minimize negative effects of the proposed development on its surroundings.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned R-80 and R-R; therefore, this provision does not apply.

The Planning Board finds that the site is unique to the surrounding properties and that variation request is supported by the required findings. The Planning Board approves a single point of right-in only access to Ammendale Road and single access to North Lincoln Avenue, which will provide vehicular ingress to the subject site. The Planning Board finds that approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to provide consolidated points of access along arterial roadways and ensure a hierarchical street system.

Therefore, the Planning Board **approves** the variation to Section 24-121(a)(3) of the Subdivision Regulations for one right-in only access from Ammendale Road subject to denied access to Pine Street and Macon Street.

11. **Schools**—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.
12. **Fire and Rescue**—The PPS was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month."

The project is served by Beltsville Fire/EMS Company 831, a first due response station (a maximum of seven minutes travel time), located at 4911 Prince George's Avenue.

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2016–2021 provides funding for station replacement.

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."

13. **Police Facilities**—The development is within the service area of Police District VI, Beltsville. 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, 2015 (U.S. Census Bureau) County population estimate is 909,535. Using 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
14. **Water and Sewer Categories**—Section 24-122.01(b)(1) 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* designates this property in Water and Sewer Categories 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore, be served by public systems. A 10-inch water main and eight-inch gravity sewer are available to serve the subject site on Ammendale Road. Alternatively, an eight-inch water main and eight-inch gravity sewer are also available to serve the subject site on North Lincoln Avenue. The PPS indicates proposed water and sewer connections to the site from North Lincoln Avenue.

15. **Use Conversion**—The total gross floor area included in this PPS is 37,325 square feet in the R-80 and R-R zones for an institutional use. If a substantial revision to the mix of uses on the subject property is proposed, including a residential land use that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The PPS correctly delineates a ten-foot-wide public utility easement along all public rights-of-way as required, which will be reflected on the final plat prior to approval.

17. **Historic**—There are no existing structures on the property. 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. This proposal will not impact any historic sites, historic resources or known archeological sites.
18. **Environmental**—The PPS and the Type 1 Tree Conservation Plan TCPI-004-2016 were received and reviewed by the Environmental Planning Section. The Environmental Planning Section previously reviewed and signed a Natural Resource Inventory, NRI-062-11-01, for this property on March 26, 2015. No other environmental reviews have occurred on this site.

Proposed Activity

This PPS includes a conceptual development proposal for a temple and associated infrastructure on the site. The Planning Board approves a variance from Section 25-122(b)(1)(G) for the removal of 20 of the 22 specimen trees on-site, as discussed further.

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24, effective on September 1, 2010 and is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the environmental technical manual.

Site Description

This 5.79-acre site is located at the southwest corner of Ammendale Road, and North Lincoln Avenue in Beltsville and is located in the Indian Creek watershed of the Anacostia River basin. The predominant soils found to occur according to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Sassafras-Urban land complex, Chillum silt loam, and Russett-Christiana-Urban land complex soil series. Based on available information, Marlboro clay is not mapped in the vicinity of this property, however Christiana complexes are mapped on-site. No designated scenic or historic roadways are adjacent to the project site. According to the 2005 *Approved Countywide Green Infrastructure Plan*, none of the three network features (regulated areas, evaluation areas and network gaps) are present on the site. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035.

Master Plan Conformance—Plan Prince Georges Plan 2035 Approved General Plan

The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035.

Approved Subregion 1 Master Plan and Sectional Map Amendment

The Master Plan for this area is the June 2010 *Approved Master Plan and Sectional Map Amendment*, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.

This site is not located within the Green Infrastructure Network.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

This development proposal is to construct temple. A previously stated Stormwater Management Concept Plan (53837-2015-00) and approval letter, dated January 20, 2016, were submitted with the subject application. The concept plan shows stormwater to be directed to several micro-bioretenment facilities on-site, and an underground storage facility beneath the parking area. The plan also shows pervious pavement to be used for 40 of the parking spaces. This proposal meets the intent of Policy 2.

Policy 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent watersheds.

This site is located within the Anacostia watershed. The approved Stormwater Management Concept Plan, 53837-2015-00, demonstrates that the proposal is in compliance with the 2010 stormwater management regulations.

Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged and implemented to the greatest extent possible.

Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.

- This site is located within Environmental Strategy Area 2, formerly the Developing Tier. The site has existing adjacent residential uses surrounding this property. The adjacent off-site areas should be protected from light intrusion, and is recommended.

Policy 6: Reduce air pollution by placing a high priority on transportation demand management (TDM) projects and programs.

The frontage of this site currently has a sidewalk and a bicycle lane along the Ammendale Road. The TCP1 and conceptual site plan show a proposed sidewalk along the frontage on North Lincoln Avenue. Bus transit is located 1,500 feet to the west of this site, on Powder Mill Road. This proposal meets the intent of Policy 6.

Policy 7: Reduce adverse noise impacts to meet State of Maryland noise standards.

The project proposes to construct a church. No residential uses are proposed. Noise mitigation analysis and mitigation is not required.

2005 Approved Countywide Green Infrastructure

This site is not located within the Green Infrastructure Network.

Conformance with the 2010 Approved Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, County ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of the Environment (DOE), Prince George's Soil Conservation District, Maryland-National Park and Planning Commission (M-NCPPC) and Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

Review of Previously Approved Conditions

The site has no previous conditions associated with development review applications.

Natural Resources Inventory

The application has an approved Natural Resource Inventory, NRI-062-11-01, signed on March 26, 2015. There are no regulated environmental features on-site, however the property does contain 22 specimen trees. The TCPI and the conceptual site plan show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodlands. A TCP1 has been submitted for review.

The 5.79-acre site contains 2.35 acres of existing woodland on the net tract. The site has a Woodland Conservation Threshold (WCT) of 1.16 acres and a total woodland conservation requirement of 2.61 acres. The TCP1 shows that all woodland on-site is proposed to be cleared and that the woodland conservation requirement is being met with 2.61 acres of off-site woodland conservation area (WCA).

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."

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010. None of the trees on-site are champion or historic.

The specimen tree table on the TCP1 proposes the removal of 20 of the 22 on-site specimen trees. The plan also shows these trees within the limits of disturbance, designated to be removed. A variance from the requirements of Section 25-122(b)(1)(G) has been approved in conjunction with this application.

Soils

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Sassafras-Urban land complex,

Chillum silt loam, and Russett-Christiana-Urban land complex soil series. Based on available information, Marlboro clay is not mapped in the vicinity of this property, however Christiana complexes are mapped on-site.

19. **Variance**—Section 25-119(d)(3) of the WCO authorizes the Planning Board to grant variances, that are associated with applications heard by them, pursuant to the required findings of Section 25-119(d)(1).

Review of Subtitle 25 Variance Request

A Subtitle 25 variance application, a statement of justification in support of a variance, and a tree removal plan were stamped as received on June 23, 2016.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for all 20 specimen trees as a group; however, details specific to individual trees has also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	SIZE (DBH)	SPECIES	CONDITION	DISPOSITION	REASON FOR REMOVAL
ST-1	35"	Willow Oak	Good	Save	Save
ST-2	34"	Red Oak	Good	Save	Save
ST-3	31"	Southern Red Oak	Good	Remove	Access Road /Circulation
ST-4	36"	Southern Red Oak	Good	Remove	Access Road /Circulation
ST-5	42"	Southern Red Oak	Good	Remove	Access Road /Circulation
ST-6	33"	Red Maple	Poor	Remove	Access Road /Circulation
ST-7	38"	Tulip Poplar	Good	Remove	SWM Underground Storage
ST-8	37"	Red Maple	Good	Remove	Access Road /Circulation
ST-9	35"	White Ash	Good	Remove	Central Area Location
ST-10	43"	Tulip Poplar	Good	Remove	Central Area Location
ST-11	36"	Tulip Poplar	Good	Remove	Central Area Location
ST-12	48"	Scarlet Oak	Excellent	Remove	SWM Underground Storage
ST-13	35"	Willow Oak	Good	Remove	Access Road /Circulation
ST-14	43"	Willow Oak	Good	Remove	Access Road /Circulation
ST-15	38"	Willow Oak	Good	Remove	Access Road /Circulation
ST-16	31"	Red Oak	Good	Remove	Access Road /Circulation
ST-17	32"	Red Oak	Good	Remove	Entrance Location
ST-18	45"	Tulip Poplar	Good	Remove	Central Area Location
ST-19	33"	Tulip Poplar	Good	Remove	Central Area Location
ST-20	35"	Tulip Poplar	Poor	Remove	Access Road /Circulation
ST-21	37"	Tulip Poplar	Good	Remove	Central Area Location
ST-22	39"	Southern Red Oak	Good	Remove	Bio-retention area

Statement of Justification request:

A variance from Section 25-122(b)(1)(G) is approved for the clearing of 20 of the 22 specimen trees on the Jain Temple site. The site includes 3 parcels under the same ownership which includes: 4231 Ammendale Road (Parcel 36), 4241 Ammendale Road (Parcel 32), and Lot 17 of the Elijah J. Knotts Addition to Beltsville Heights, on Lincoln Avenue in Beltsville, Maryland. This site is indicated on Prince George's County Tax Map 12. The site consists of 5.79 acres and is zoned One-Family Detached Residential (R-80) and Rural Residential (R-R). On existing Parcel 36 the site does not have any structures, contains 4 specimen trees, and is not forested. On existing Parcel 32, the site does not have any structures, contains 15 specimen trees, and is partially forested. On existing Lot 17 the site has never been developed, contains 3 specimen trees, and is forested. The proposal for this property is for the construction of a temple with a parsonage, associated parking, and a recreational area. This variance is approved pursuant to the WCO which

requires, under Section 25-122 of the Zoning Ordinance, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The variance application form requires a statement of justification how the findings are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

The site is subject to requirements of the Prince Georges County Environmental Technical Manual dated September 22, 2010 and the State Forest Conservation Manual, 3rd Edition, dated 1997. The combined site has an irregular shape that makes it difficult to design for a functional layout of the facilities as proposed. The proposal for this site is for the construction of a temple building, parking facilities, recreational area, storm water management facilities, and a parsonage. The site contains 22 existing specimen trees, 20 of which are proposed for removal. The temple building was designed to fit with the irregular shape of the site and needs to be constructed at one elevation. The building elevation was determined from the existing grade set by the access entrances from Ammendale Road and North Lincoln Avenue. Due to a significant grade drop across site, 12 feet vertically, earth fill and extensive grading are required for construction of the temple building. Two specimen trees will be retained on-site. Specimen tree (ST-1), a 35-inch (DBH) Willow Oak located in the northwest corner of the site within 10 feet of a proposed parking lot, will be retained by removing two previously proposed parking spaces and revising the proposed site grading. Specimen tree (ST-2), a 34-inch (DBH) Red Oak located in the northwest corner of the property within 30 feet of the proposed parking lot, will be also retained with revised proposed site grading. Some additional non-specimen trees adjacent to ST-1 and ST-2, along the southwestern property line, and south of the ESD-5 micro-bioretenention area will also be retained by careful site grading.

The unwarranted hardship comes from the constricted area of the development envelope due to the unusual property line configuration, associated building setbacks, and site grading associated with the proposed temple building. The temple structure, parking layout, recreation area, storm water management facilities, and parsonage layout are proposed at a reasonable yield configuration according to current zoning regulations for the site. Section 25-122 requires preservation of specimen trees. Not granting a variance to Section 25-122 for the 20 specimen trees would create a hardship on the property owner by not allowing the site to be developed to a reasonable potential.

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

The enforcement of Section 25-122, which indicates specimen trees shall be preserved, will deprive the landowner the right to develop this property to its highest and best use. The 20 specimen trees are located mainly in the central area of the site, constraining development of all required elements. This site is located in a developed portion of Prince George's County that contains high-density single-family housing. The developers of adjacent properties in the area have generally developed their residential properties to the highest density allowable. With infill development that occurs in areas that have been wooded for a long time, specimen trees can be expected. There are no champion trees on site. The proposed site access from Ammendale Road has been located where the grade best matches the site without interfering with the existing intersection at North Lincoln Avenue. Not providing this variance would deny adequate access from Ammendale Road, thereby depriving the applicant of reasonable use and access to the site due to its unusual layout configuration and grade across the site. The configuration of these trees is by chance and not providing a variance would deprive the applicant of rights granted and enjoyed by others.

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

The request for the removal of the 20 specimen trees is based on safety and functional circulation for the site. The site has a significant grade drop across the site, 12 feet vertically, and the development envelope is restricted due to the unusual property shape. The specimen trees are located at random locations throughout the site and are located in areas that would significantly restrict development of the site if not removed. Setback constraints as a result of development guidelines create constraints to the proposed development, requiring it to occur in a smaller, central space. This smaller envelope footprint makes it harder to physically accommodate the existing specimen trees and allow the root zone to remain at a similar grade. This variance and development proposal does not confer the applicant a special privilege.

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

The location of the specimen trees is a natural occurrence. To date, the applicant has taken no action that has resulted in the site's current condition.

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

This variance does not arise from a condition relating to land or building use on a neighboring property.

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

Stormwater management will be provided on-site with current methodology as directed by the 2000 Maryland Stormwater Design Manual and updated with the current Stormwater Management Ordinance. The site owner has obtained a Stormwater Management Concept Approval, 53837-2015-00, on January 20, 2016, for this site from the Department of Permitting, Inspections and Enforcement (DPIE). The water quality stormwater management devices on this project will include underground storage, micro bioretention areas, and pervious pavement.

Based on the forgoing analysis the required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal the 20 specimen trees. The Planning Board approves the variances.

20. **Urban Design**—The proposed institutional use on the 5.79-acre site is a permitted use in the R-80 and R-R zones. Detailed site plan review is not required. This PPS is in conformance with the applicable requirements of the Zoning Ordinance and will be further evaluated at the time of permit review. Conformance with the requirements of the Prince George's County Landscape Manual, which establishes building and landscaping setbacks, for the subject site will also be applicable and evaluated at the time of permit review.
21. **Planning Board Hearing**—At the Planning Board hearing, the applicant presented Exhibit 1 and proffered to provide landscaping and fencing in accordance with said exhibit for the screening of the proposed development from the property located at 11815 Macon Street. The Planning Board found that the landscaping proposed by the applicant is outside the normal scope of a PPS approval and did not include a condition, however, recognizes that the applicant has committed to provide the agreed-upon landscaping at the time of permit review by adoption of this finding.

The applicant also presented Exhibit 2 which included two conditions, proposed Condition 5.c. for the landscaping discussed above and Condition 5.d. to provide signage. The Planning Board adopted the finding above for the landscaping proffered by the applicant without a condition, and adopted the condition proffered by the applicant for the specified signage as part of this approval, as set forth in Condition 5.c. of this approval.

At the hearing, the applicant indicated that the Jain Temple holds two major festival during the year. The applicant proffered an additional condition verbally regarding traffic control during major events at the temple. The Planning Board did not adopt the applicant's proffer as a condition of this approval. However, the Planning Board adopted this finding for the applicant's proffer that, at the two annual major festivals or any other event, the applicant shall provide personnel to direct traffic flow through the site to the adjacent roadways.

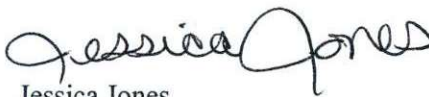
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 22, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of October 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SC:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 10/3/16