

R E S O L U T I O N

WHEREAS, Cottage City Mennonite Chrch 1 is the owner of a 5.30-acre parcel of land known as Parcel A, recorded in Plat Book REP 198-32, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R); and

WHEREAS, on March 20, 2019, Capital Christian Fellowship filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18023 for Capital Christian Fellowship Daycare for Children 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 May 23, 2019, 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 May 23, 2019, 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 TCP1-033-02-01, and further APPROVED Preliminary Plan of Subdivision 4-18023 Capital Christian Fellowship Daycare for Children, including a Variation from Section 24-121(a)(3), for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
  - a. Incorporate all "site analysis" notes under "general notes."
  - b. Label the existing parcel as "Parcel A."
  - c. Label the parcel as "Proposed Parcel 1."
  - d. Remove the building restriction lines and provide existing building setbacks to the property lines.
  - e. Edit General Note 19 to state "Sustainable Growth Tier 1."
  - f. Clearly mark and label a 10-foot-wide public utility easement along the southern

boundary of the subject property, for that portion directly abutting the area dedicated for a public right-of-way.

2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Revise and reconcile the TCP worksheet as needed so “Tree Save and Woodland Clearing” do not exceed the quantity of existing woodland.
  - b. Identify all areas of Woodland Retained - Not Credited on the TCP1 plan using the standard symbol per the Environmental Technical Manual and adjust the TCP worksheet to account for these areas.
  - c. Notes regarding the location of off-site woodland conservation transfer credits previously provided for the site must be corrected to reflect that off-site afforestation/reforestation is credited at 1:1, and off-site preservation is credited at one acre of credit for every two acres of off-site preservation provided.
  - d. Revise the site boundary on the TCP1 to match that of the previously approved TCP1.
  - e. Revise the limits of disturbance on the TCP1 to be consistent with the stormwater concept approval, showing only the proposed limits of disturbance associated with this preliminary plan of subdivision application and not that of past implemented approvals.
  - f. Remove the approval block for TCP2-057-02-01 from the plan.
  - g. Remove the approval block for preliminary plan 4-02058 from the plan.
  - h. After all technical revisions have been made, update the Woodland Conservation Table to reflect all changes.
  - i. Have the revised TCP1 signed by the qualified professional who prepared the TCP1.
3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-033-02-01). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-033-02-01), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”

4. At the time of detailed site plan, any new or replacement exterior light fixtures proposed shall be full cut off optic light fixtures to reduce light intrusion.
5. Total development within the subject property shall be limited to uses, which generate no more than 33 AM peak-hour trips and 32 PM peak-hour trips on weekdays and 249 trips on Sundays. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
6. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan 15077-2018-00 and any subsequent revisions. The final plat shall note the stormwater management concept plan number and approval date.
7. A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval any building permits.
8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along all public 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 known as Parcel A, recorded in Plat Book REP 198-32 on December 4, 2003. The property is located on the south side of MD 193 (Greenbelt Road), south of its intersection with Mission Drive. The site is subject to the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA). The subject property is currently improved with a church and is in the Rural Residential (R-R) Zone.

The application includes the addition of a 50-student day care within the existing church building on the property. No new building construction is proposed. The addition of the day care use necessitates the need for a preliminary plan of subdivision (PPS) approval, to adjust the trip cap currently imposed on the site.

Access to the site is proposed via MD 193, an existing 120-foot-wide master plan arterial roadway. Section 24-121(a)(3) of the Subdivision Regulations requires that when lots or parcels 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. Direct vehicular access onto MD 193 requires the approval of a variation, which has been granted by the Prince George's County Planning Board and is discussed further in Finding 11 of this resolution.

The applicant submitted a site plan for information purposes only, and the site plan is not considered for approval with this application. Development of the site is subject to review under the requirements of the Prince George's County Zoning Ordinance and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The improvements shown on the site plan have not been reviewed for conformance to the Zoning Ordinance or the Landscape Manual with this application approval, and such conformance will be determined with the required review and approval of a detailed site plan (DSP).

3. **Setting**—The property is located on Tax Map 36, Grid A2, in Planning Area 70. The site is bound by the developed Eastgate Shopping Center, in the Commercial Shopping Center Zone to the east; by a vacant undeveloped parcel in the R-R Zone to the south, with townhouse residential uses beyond in the Townhouse Zone; by a vacant residential parcel in the R-R Zone to the west, with single-family residential uses beyond, also in the R-R Zone; and MD 193 to the north, with office uses in the Light Industrial Zone and vacant property in the Mixed Use-Transportation Oriented Zone beyond.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Church/Sunday School	Church/Sunday School/Day care
Acreage	5.30	5.30
Lots	0	0
Outlots	0	0
Parcels	1	1
Variation	No	Yes
		Section 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 April 5, 2019. The variation request was accepted on March 20, 2019, and heard at the SDRC meeting on April 5, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site was previously the subject of PPS 4-02058 (PGCPB Resolution No. 02-265), approved by the Planning Board on December 19, 2002, for one parcel, subject to eight conditions, for the development of a 26,281-square-foot (415 seat) church and Sunday school. This approval was also accompanied by the approval of Type 1 Tree Conservation Plan (TCP1-033-02) for the site. A Final Plat (5-03081) was approved for the site, in accordance with PPS 4-02058, by the Planning Board on June 19, 2003. This PPS approval supersedes PPS 4-02058.
6. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035)

designates this application within the Established Communities policy area. The vision for the Established Communities is context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

**Master Plan and Sectional Map Amendment/Zoning**

The Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA recommended institutional land use on the subject property and retained it in the R-R Zone. There are no master plan conformance issues.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the sector plan.

7. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan and Letter (15077-2018-00), approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPiE), was submitted with the subject application and expires on June 25, 2021. The plan shows the use of an existing SWM pond along the southern edge of the property, which is to remain for the collection and drainage of stormwater and requires a fee of \$1,488.00, required in lieu of providing additional on-site attenuation/quality control measures. The approved concept plan is consistent with the PPS. Development must conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.
8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of non-residential development.
9. **Trails**—The subject application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA, in order to implement planned trails, bikeways, and pedestrian improvements. The subject application is located along the south side of MD 193, west of Eastgate Shopping Center. Although the site is within the University Boulevard Corridor, it is not subject to Section 24-124.01 of the Subdivision Regulations, or the “Transportation Review Guidelines, Part 2,” because no new square footage is proposed.

The subject application is for the addition of a day care center within an existing church. There is an existing sidewalk along the site’s frontage of MD 193, although it does not appear to meet current Americans with Disabilities Act (ADA) standards. There is also adequate sidewalk access internal to the site, but no pedestrian accommodations between the public right-of-way and the building entrance.

**Master Plan Compliance**

One master plan trail impacts the subject site. Continuous standard or wide sidewalks and on-road bicycle facilities are recommended along MD 193. The text from the area master plan (pages 171 to 172) is copied below:

**Greenbelt Road (MD 193): Construct continuous sidewalks with wide sidewalks in places of heavy pedestrian activity (such as NASA), striped pedestrian crosswalks. Improve existing on-road bicycle facilities and consider a future sidepath and designated bike lanes.**

Sidewalks are fragmented in the vicinity of the subject site. The nearby Eastgate Shopping Center includes no sidewalks along its frontage. The subject site includes a sidewalk along its frontage, but it does not appear to meet current ADA standards. At the time of SDRC, it was recommended that the sidewalk along the site's frontage of MD 193 be reconstructed to meet ADA standards and specifications, unless modified by the Maryland State Highway Administration (SHA). It was also recommended that a sidewalk or pedestrian route be provided from MD 193 to the sidewalk internal to the site. Revised plans submitted by the applicant on April 17, 2019 included these modifications and no further bicycle or pedestrian access improvements are necessary. Striping for designated bike lanes (or other appropriate bicycle treatment) can be considered by SHA at the time of road resurfacing consistent with the SHA 2015 *Bicycle Policy and Design Guidelines*. No further improvements are necessary for bicycle and pedestrian access or master plan trail compliance.

10. **Transportation**—The application represents the establishment of a 50-student day care facility within the existing church. On December 19, 2002, the Planning Board approved a PPS for the subject property. Pursuant to PGCPB Resolution No. 02-265, the prior PPS (4-02058) was approved with the following conditions that pertained to transportation:

7. **Total development with proposed subdivision shall be limited to equivalent of 26,281 gross square feet of church, Sunday school and other related uses or any other permitted uses which generate no more than 19 new vehicle trips during the AM peak hour and 18 trips during the PM peak hour on any weekday and 249 trips on Sundays. Development of up to 5,000 additional square feet of church space shall not constitute a significant change in trip generation.**

The day care center is anticipated to be a weekday operation. Consequently, the trip cap for Sunday services will not be affected by the additional use and are carried forward in the recommended conditions provided herein.

8. **As deemed necessary by the SHA and/or the county DPW&T, the following improvements shall be bonded for construction prior to the issuance of any building permits:**

**Provision of an additional left-turn-lane to northbound Mission Drive and an additional left turn lane to westbound MD 193 at the intersection of MD 193 with Mission Drive.**

**Traffic Study Analyses:**

Because the day care center will generate fewer than 50 peak trips, a traffic impact study (TIS) is not required. However, the applicant was required to provide peak-hour turning movement counts for the following critical intersections:

- MD 193 and Mission Drive
- MD 193 and MD 564 (Lanham-Severn Road)

The table below shows the intersections deemed to be critical, as well as the levels of service (LOS) representing existing conditions:

EXISTING CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 193 and Mission Drive	C/1274	C/1185
MD 193 and MD 564	C/1217	C/1276

Based on recent traffic analyses, which included as many as 12 background developments, and applying an additional 0.5 percent growth in regional traffic, a second analysis was done, providing the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 193 and Mission Drive	D/1440	<b>E/1483</b>
MD 193 and MD 564	D/1367	D/1402

Using trip rates from the *ITE Trip Generation Manual, 10th Edition (use code-565)*, the following tables summarize the weekday trip generation shown in the TIS for the subject application:

		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Day care (ITE-565)	50 Students	21	18	39	19	21	40
<i>Less Pass-by (65%)</i>		<i>14</i>	<i>11</i>	<i>25</i>	<i>12</i>	<i>14</i>	<i>26</i>
<b>Total primary trips</b>		<b>7</b>	<b>7</b>	<b>14</b>	<b>7</b>	<b>7</b>	<b>14</b>
Trip cap based on existing church		19			18		
<b>New trip (church + day care use)</b>		<b>33</b>			<b>32</b>		

The table above indicates that the proposed development will generate a net of 14 (7 in; 7 out) AM peak-hour trips and 14 (7 in; 7 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 193 and Mission Drive <i>With improvements</i>	D/1442 <i>D/1401</i>	<b>E/1485</b> <i>D/1406</i>
MD 193 and MD 564	D/1370	D/1404

The results shown above indicate that the intersection of MD 193 and Mission Drive will operate inadequately during the evening peak-hour. This conclusion was also reached in previous analyses for other cases. One of the developers included in the list of background developments (Lidl supermarket) has proffered to provide an additional left turn lane from southbound Mission Drive to eastbound MD 193. This improvement will result in the intersection operating adequately during both peak-hours. An April 8, 2019 email from SHA provided confirmation that this proffered improvement has been bonded and permitted. Therefore, it is not necessary to condition improvements at this location.

#### **Master Plan, Site Review**

The property is located in an area where development policies are governed by the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA as well as the MPOT. The subject property currently fronts on MD 193, a designated arterial master plan road. A variation from Section 24-121(a)(3) for access to the site from MD 193 was requested by the applicant, as further discussed in Finding 11 below. No additional dedication is required. All other aspects of the site regarding access and layout are deemed to be acceptable.

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

11. **Access Variation**—Section 24-121(a)(3) of the Subdivision Regulations requires the following:

#### **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. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**



Access to the subject property is proposed from the arterial right-of-way, MD 193. The subject property currently has sole frontage on, and direct vehicular access onto MD 193, and the site has been developed in accordance with the previously approved PPS 4-02058, which also approved a variation from Section 24-121(a)(3) for access to MD 193, identical to the variation requested in this application. As a new subdivision was proposed on the subject property with this application, the applicant requested a variation pursuant to Section 24-113(a) of the Subdivision Regulations.

The subject property is constrained by existing development on abutting properties to the east, south, and west, and neither an interior street nor a service road exists for the subject property to access. The relocated Forbes Boulevard, a master plan collector right-of-way, C-340, is planned to run along the southwest boundary of the site. The subject site previously provided dedicated area for this right-of-way with approval of PPS 4-02058. However, redevelopment of the surrounding properties has not occurred to implement the roadway, and such condition limits the subject property to MD 193 as its only available access.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests:

**Section 24-113**

**(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 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) That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**

The existing church on the subject property currently attains access from MD 193, a master plan arterial roadway. MD 193 is a divided road, which has eastbound travel lanes abutting the subject property and accommodates ingress and egress to the site through right-in and right-out maneuvers. The access drive to the property is located along the western portion of the site's frontage of MD 193 and offset from a median break located at the easternmost corner of the property. This offset, and the existence of abutting acceleration and deceleration lanes, allows safe ingress to and egress from the subject property without

conflicting with existing traffic. Therefore, the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.

- (2) **The conditions of 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 subject property has frontage and direct access via MD 193, which is the only existing access to the property. The property is surrounded on all sides by existing parcels of land already improved with existing development, and thus the opportunity for other access is restricted. In addition, there are no internal streets or service roads existing or accessible in the area to serve the subject property. These conditions, collectively, are unique to the subject property and generally not applicable to other properties. As there are no other options for access at this time, without the continued access onto MD 193 the site could not continue with the development as approved.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The subject property has been developed in accordance with PPS 4-02058, in which a variation for access to the arterial, MD 193 was approved. As MD 193 is also a state road under jurisdiction of SHA, the site was also granted access in accordance with the requirements held by SHA. The variation requested with this PPS application was referred to SHA, which upon their review, had no objections to the request. Therefore, the approved variation will not be a violation of any other applicable law, ordinance, or regulation.

- (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 particular physical surroundings of the subject property are such that the site and abutting properties are currently improved with existing development, and there is no alternate access or service roads available to serve the subject property. Therefore, there are no other options for access to the site at this time. Denial of the requested variation would result in a particular hardship to the owner, as the site could not continue to be used as it exists and is approved for, without the requested access.

- (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 located in the R-R Zone. This subtitle is not applicable.

The Planning Board finds that the variation request is supported by the required findings of Section 24-113 and approves a variation from Section 24-121(a)(3) for one direct access onto MD 193.

12. **Public Facilities**—Public facilities for water and sewerage, police, fire, and rescue are found to be adequate to serve the subdivision, in accordance with Section 24-122.01 of the Subdivision Regulations, which are further outlined in memorandums dated March 25, 2019 (Branch to Onyebuchi), and April 10, 2019 (Ryan to Davis), incorporated by reference herein.
13. **Schools**—In accordance with Section 24-122.02 of the Subdivision Regulations, this application will have no effect on public schools, as it is a nonresidential use.
14. **Use Conversion**—The total development included in this PPS is for church, Sunday school, and day care uses. If a revision to the mix of uses or the site layout on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval, that revision shall require approval of a new PPS prior to approval of any building permits.
15. **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 shall 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 standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The PPS delineates a 10-foot-wide PUE along the northern edge of the subject property, adjacent to the public right-of-way of MD 193. An additional PUE shall be provided on the property's southern boundary abutting the dedicated right-of-way representing the future master plan collector, Forbes Boulevard. This PUE will also be required to be reflected on the final plat prior to approval.

16. **Historic**—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 approval will not impact any historic sites or resources or known archeological sites. A Phase I archeological survey is not recommended on the subject property.

17. **Environmental**—The following applications and associated plans for the subject site were previously reviewed.

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-02058	TCP1-033-02	Planning Board	Approved	12/19/2002	02-265
N/A	TCPII-057-02	Staff	Approved	07/03/2002	N/A
N/A	TCPII-057-02-01	Staff	Approved	02/19/2003	N/A
N/A	NRI-054-2018	Staff	Approved	03/18/2018	N/A
4-18023	TCP1-033-02-01	Planning Board	Pending	Pending	Pending

#### **Grandfathering**

This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 and Subtitle 27 that came into effect on September 1, 2010, because the application is for a new PPS. This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

#### **Master Plan Conformance**

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

The master plan for this area is the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA. The Natural Resources/ Environment Chapter 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.

#### **Goal 1: Restore and enhance water quality in areas that have been degraded.**

##### **Policy 1: Decrease the amount of pollutants from both storm and non-storm events entering sector plan area wetlands and waterways.**

An approved SWM Concept Letter and Plan (15077-2018-00) was submitted with this application. The site is exempt from SWM requirements, because less than 5,000 square feet of disturbance is proposed. A SWM fee in the amount of \$1,488.00 is required in lieu of providing additional on-site attenuation/quality control measures. An existing SWM facility serves this site and any stormwater associated with the proposed site improvements will drain and be treated by this facility.

##### **Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.**

No wetlands or waterways are located on-site or will be directly impacted by this project. All proposed site improvements will occur within an existing mowed area surrounded by an existing building, sidewalks, and parking.

**Goal 2: Prevent flooding associated with new and redevelopment.**

**Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.**

**Policy 2: Ensure that the quantity of stormwater discharge from a site post-development does not exceed predevelopment conditions.**

Water quality will be addressed through existing SWM facilities, and the payment of a SWM fee in lieu of additional on-site facilities.

**Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.**

**Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.**

Woodland conservation is reviewed in the Environmental Review section of this finding. Canopy coverage will be addressed at the time of DSP review.

**Policy 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.**

The proposed development has a previously implemented Type 2 Tree Conservation Plan TCP2-057-02-01, that met the woodland conservation requirements through a combination of 0.72 acres of on-site woodland preservation and 1.50 acres of off-site woodland conservation credits provided in preservation. The revised TCP1 submitted with this application is generally consistent with the TCP1 previously approved, with the addition of a required playground area. No additional clearing is proposed on-site with the proposed use, but there has been additional loss of woodlands that has occurred on the site over time that is addressed with the current review. Conformance of the proposed use with the Landscape Manual and with Subdivision 25, Division 3, for the enhancement of tree canopy coverage will be reviewed at the time of DSP.

**Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.**

The current application is in the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA, and in the Western Branch subwatershed of the Patuxent Basin. The state Forest Conservation Act and local WCO prioritize the acquisition of off-site woodland

conservation as follows: in the same subwatershed; on an adjacent subwatershed in the same basin; and finally, within the same basin.

Off-site woodland conservation was previously acquired for the development of this property with TCPII-015-97 (Old Fort Forest), in the Broad Creek subwatershed (Potomac), and TCPII-005-96 (Pyle Property), in the Mattaponi Creek subwatershed (Patuxent). Because off-site woodland conservation is a private market, the location of off-site banks in all subwatershed or sector plan areas cannot be guaranteed.

**Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.**

**Policy 1: Require stormwater to be treated non-structurally to the maximum extent practicable.**

All SWM systems have been previously approved and implemented on-site. No additional on-site facilities are required by DPIE at this time.

**Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.**

**Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.**

The use of green building techniques and energy conservation techniques are encouraged as appropriate.

**Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.**

The minimization of exterior light intrusion from proposed development of this site, located in the Developing Tier, onto adjacent woodlands and residential properties surrounding the site is of special concern. Site lighting is not being reviewed with this application, however, any new or replacement exterior lighting fixtures proposed on the site at time of DSP shall be full cut-off optic light fixtures.

**Policy 3: Reduce air pollution to support community health and wellness and champion nonmotorized transportation alternatives.**

The applicant has proffered to reconstruct the existing sidewalk along the subject property's frontage on MD 193 to a wider, ADA accessible sidewalk. In addition, an internal sidewalk will be provided along the site's internal access road to adequately accommodate pedestrian access from MD 193 to the building entrance. SHA has also striped and signed MD 193 in conformance with the 2015 *Bicycle Policy and Design Guidelines*, which ensures that bicycles are accommodated within the road in

conformance with the latest state guidelines and standards. These implemented measures will provide increased opportunity to reduce air pollution and support health and wellness through the additional nonmotorized transportation alternatives offered.

**Policy 4: Reduce adverse noise impacts to meet State of Maryland noise standards.**

This application provides for the continued use of the existing building for institutional uses. No new building construction or residential uses are proposed. Therefore, this application does not include the review of noise impacts.

**Conformance with the Countywide Green Infrastructure Plan**

Most of the site is located within the Evaluation Area of the designated network of the 2017 *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan*. The revised TCP1 focuses development on-site into portions of the Evaluation Area that have been previously developed. No new impacts will result to the regulated areas.

**Environmental Review**

**Natural Resources Inventory/Existing Conditions**

The subject application was granted a Natural Resources Inventory Equivalency Letter (NRI-054-2018) because there is a previously implemented TCP2 plan for the site, and the proposal does not represent a significant difference to the established LOD or result in impacts to regulated environmental features.

**Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet, contains more than 10,000 square feet of existing woodland, and has a previously approved TCPI and TCPII. A revised Type 1 Tree Conservation Plan (TCP1-033-02-01) has been submitted for review.

The woodland conservation worksheet submitted by the applicant, indicates that the site is 5.47 acres in area, with 4.09 acres of woodlands on the net tract (this value is per the initial TCP1 approval). The site has a Woodland Conservation Threshold of 1.09 acres, or 20 percent of the net tract based on R-R zoning. The worksheet indicates that the woodland conservation requirement for the site is 2.22 acres. This site currently contains no specimen, historic, champion trees. Specimen trees located on-site were cleared with the implementation of TCP2-057-02-01 and grading permit 14458-2002-G-00.

The TCP1 shows that the woodland conservation requirement will be met by providing 0.72 acre of on-site preservation and 1.50 acres of off-site woodland conservation credits. The worksheet indicates that there is a calculation error because the quantity of "Tree Save and Woodland Clearing exceed existing woodland," and these calculations must be reconciled. This error may be because areas of "Woodlands Retained-Not Credited" are included as clearing in the calculations. Areas of woodlands retained, not credited, shall be identified on the TCP1 and not included in the

area of woodland clearing on the TCP worksheet.

Notes regarding the location of off-site woodland conservation transfer credits previously provided for the site must be corrected to reflect that off-site afforestation/reforestation is credited at 1:1, and off-site preservation is credited at one acre of credit for every two acres of off-site preservation provided.

The TCP1 worksheet correctly shows the gross tract area at 5.47 acres per the original TCP1 approval. Due to dedication of right-of-way provided in accordance with PPS 4-02058, the boundary on the revised set of plans does not match that of the original TCP1 as required. The boundary must be revised to be consistent with the boundary of the initial TCP1 approval, which includes the now dedicated right-of-way.

The limits of disturbance on the TCP1 is inconsistent with the approved stormwater concept plan and other documents submitted with this application. It appears to have incorrectly included the previously implemented LOD per TCP2-057-02-01, as well as additional clearing that occurred without permits. The LOD must be revised to be consistent with the stormwater concept approval and show only the proposed LOD associated with this PPS application. The TCP1 will require technical revisions to be in conformance with the applicable WCO which are conditioned in this approval.

#### **Soils**

The predominant soils found on-site according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Russett-Christiana complex (two to five percent slopes), Christiana-Downer complex (five to ten percent slopes), and Russett-Christiana-Urban land complex (zero to five percent slopes). Marlboro clay is not identified on-site; however, soils containing Christiana complexes are known to occur on and within the vicinity of this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with CB-94-2004 during the building permit process review.

18. **Urban Design**—The 5.30-acre property is zoned R-R and is located at 10411 Greenbelt Road, approximately 1,900 feet west of its intersection with MD 564 (Lanham-Severn Road), in Lanham.

#### **Conformance with the Requirements of the Zoning Ordinance**

Conformance with the following Zoning Ordinance regulations is required for the proposed development at the time of DSP review, including but not limited to the Section 27-442, Regulations, Section 27-445.03 Day care center for children, Part 11, Off-street Parking and Loading, and Part 12, Signs. There is no previously approved DSP governing this site.

#### **Conformance with the 2010 Prince George's County Landscape Manual**

If the proposed day care use does not involve an increase in impervious surface and does not involve an increase in the gross floor area of the existing church building, in accordance with Section 1.1, Applicability, the subject site would be exempt from the requirements of the



Landscape Manual. Compliance with the Landscape Manual will be further evaluated at the time of DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and requires a grading permit. The subject site is zoned R-R and is required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy, if applicable. Compliance with this requirement will be further evaluated at the time of DSP.

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 Bailey, with Commissioners Washington, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, May 23, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of June 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:CD:gh