

R E S O L U T I O N

WHEREAS, Sheehan, Mamie and Francis is the owner of a 5.9-acre parcel of land known as Parcels 100 and 101, Tax Map 25, Grid B-4, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on April 24, 2000, Wallace Memorial Presbyterian Church filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Wallace Memorial Presbyterian Church , 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 21, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended Approval, with conditions of the application; and

WHEREAS, on September 21, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/12/00), and APPROVED Variance Application No. VP-00022A, and further approved a Variation from Section 24-130, APPROVED Preliminary Plat of Subdivision 4-00022, Parcel 1 with the following conditions:

1. Prior to the issuance of the first building permit the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage.
2. Development of this site shall be in conformance with the approved stormwater concept plan or its revisions, Concept #008005920.
3. The final plat shall carry a note that vehicular access is denied onto University Boulevard for the subject property.
4. Prior to signature approval the preliminary plat shall be revised:
 - a. To located any abandon well or septic system.
 - b. To show the existing and proposed water and sewer alignments.

5. Prior to building permit any well and/or septic system shall be properly backfilled and/or sealed in accordance with COMAR 26.04.04.
6. Prior to certificate approval the TCP I shall be revised as follows:
 - a. A table of specimen tree(s) shall be provided, indicating their size, species, condition, proposed woodland conservation canopy credit area, critical root zone, and proposed disposition;
 - b. A minimum of 1.18 acres of woodland conservation (the woodland conservation threshold) shall be provided on site;
 - c. All preservation areas on the site should be individually labeled with square footage. Areas which do not meet width requirements may require selective underplanting at time of TCPII..
 - d. If proposed reforestation overlaps required SWM landscaping, the reforestation requirements shall meet the more stringent standard.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCP I/12/00). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/12/00), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
8. A Limited Detailed Site Plan (DSP) shall be approved prior to building or grading permits for the construction of the retreat building at the location indicated on Staff Exhibit ■A.●
Review of the DSP shall address:
 - a. A specific and detailed development proposal which demonstrates that permanent and temporary impacts have been minimized to the fullest extent possible. Through innovative design techniques the applicant shall minimize and mitigate permanent and temporary impacts to the stream and its buffer.
 - b. Any substantial alteration in the location or expansion from that shown on staff exhibit ■A.● shall require a new preliminary plat of subdivision for the consideration of a new variation request in accordance with Section 24-113 of the Subdivision Regulations.

9. The TCP II shall be approved prior to permits and shall demonstrate the following:
 - a. Bufferyards which are also woodland conservation areas, shall meet the more stringent requirement, either the *Landscape Manual* or the Woodland Conservation Ordinance;
 - b. To receive credit for the preservation of specimen trees, the applicant shall indicate all necessary best management practices to ensure the future health of the tree;
 - c. The applicant shall delineate the critical root zone for all specimen trees proposed for preservation. Specimen tree canopy credit will be given to the extent that the critical root zone is managed, protected, or treated to preserve tree vitality.
 - d. Coordination of stormwater management landscaping with woodland conservation areas to ensure an attractive appearance from views from Metzerott Road and University Boulevard.
10. Prior to the issuance of permits, off-site woodland conservation easements shall be reviewed by the Environmental Planning Section and recorded
11. At time of final plat the stream buffer area, delineated wetlands and wetland buffers, not associated with the variation request as shown on Staff Exhibit ■A,• shall be placed in a delineated conservation easement. The Conservation Easement shall be described by bearings and distances and reviewed by the Environmental Planning Section prior to final plat. The following note shall be placed on the plat:

"Conservation Easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or their designee. The removal of hazardous trees, limbs, branches, and trunks is allowed."
12. Prior to the issuance of any County permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all Federal and State wetland permits and evidence that any conditions of those approvals have been complied with. The applicant shall submit any associated or required mitigation plans.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located in the southwest quadrant of the intersection of Metzerott Road and University Boulevard, west of Baltimore Avenue (US 1) outside the City of College Park.
3. The preliminary plan proposes the subdivision of two parcels in the R-80 Zone into one parcel for a church use. The total area of the site is 5.9 acres. There is a stream and an existing flood way easement located on the site. The preliminary plan delineates a 50-foot wide stream buffer, and a 100-year overflow path running east and bisecting the site. The site does not contain 100-year floodplain, as determined by the Department of Environmental Resources (DER) because the drainage area of this site has a water course of less than 50 acres. However, the placement of structures related to a floodway follows the same guidelines as the 100-year floodplain.

At time of final plat the stream buffer area, exclusive of the areas approved for disturbance though the variation process, should be placed in a delineated conservation easement, with appropriate notes. The conservation easement should include the protection of other sensitive environmental areas.

The preliminary plan indicates the presence of wetlands, and shows a required 25-foot wetlands buffer. A jurisdictional delineation from the Corps of Engineers has also been received. Therefore, prior to the issuance of any County permits which impact wetlands, wetland buffers, streams or Waters of the US the applicant should provide the Environmental Planning Section with copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and any associated or required mitigation plans.

This site is located in the Paint Branch watershed, and is tributary to the Anacostia River. The soils on the site are in the Iuka, Sassafra, and the Sandy and Clayey Land series. None of these soils are hydric or erodible, and pose few difficulties for development. A soils report may be required at the discretion of DER during the permit process. No Marlboro clay has been identified on this site.

No rare, threatened or endangered species have been identified on this site. This site is not located on a designated scenic or historic road. The property is located in sewer and water service category three, and will be served by existing public systems.

The potential on-site greenway connections are limited by the residential development on the west and the roadways on the remaining two sides of this property. It is anticipated that the Department of Public Works and Transportation (DPW&T) will review pedestrian and bicycling connections in this area to provide improvements conducive to the student oriented environment of the area.

Noise corridors exist along both University Boulevard and Metzerott Road, based on their functional classifications, right-of-way widths, average daily traffic, and speed limits. If

residential uses are proposed as accessory uses to the church, such as a parsonage or a retreat center/guest house, then interior noise impacts will need to be considered. In that case, a Phase I noise study should be required to determine the extent of noise impacts on the site related to University Boulevard and Metzerott Road. Based on the evidence presented in that study, the applicant would then provide appropriate noise mitigation to reduce interior noise levels to 45 dBA Ldn. The proposed church use does not require adherence to interior noise standards, but the applicant is advised to consider noise in the selection of construction techniques, and the placement of outdoor use areas.

The applicant has submitted Stormwater Management Concept Approval #008005920 for this site, which proposes a wide variety of techniques, including an on-site permanent pool and a proposed infiltration trench. Staff is concerned about the environmental impacts of both of SWM approaches on existing wetlands, wetland buffers, the stream, and the stream buffer. It is our hope to minimize and mitigate permanent impacts, and quickly restore temporary impacts in these areas. In addition, staff is concerned about the appearance of the SWM pond because it is proposed at the intersection of Metzerott Road and University Boulevard in a highly visible location. Staff recommends that proposed woodland conservation areas, and required stormwater management landscaping be shown on the TCP II, prior to the issuance of permits, so these plans can be coordinated to create an attractive appearance.

The entire site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. Therefore, this site is subject to the Tree Conservation and Preservation Manual. The minimum requirement for woodland conservation for this site is 1.18 acres (20% of the Net Tract) and an additional .78 acres due to removal of .91 acres of woodland, for a total minimum requirement of 1.96 acres. The applicant has proposed to meet this requirement with a combination of woodland preservation (.26 acres), specimen tree preservation (.07 acres), on-site reforestation/replacement (.85 acres), and off-site mitigation (.90 acres).

The Environmental Planning Section does not agree with the applicants calculation of woodland conservation to be provided on-site. The revised tree conservation plan submitted by the applicant does not provide the square-footage of the individual preservation areas. In addition, preservation areas that are not a minimum of 35 feet in width are subject to selective interplanting which has not been addressed adequately on the revised TCPI. The applicant should note that the areas which are less than 35 feet in width are subject to selective interplanting at the time of TCP II, and that the areas where proposed reforestation overlaps required SWM landscaping, the reforestation requirements should meet the more stringent standard.

The TCP I should indicate all specimen trees, and provide a table indicating their species, size, and canopy coverage in square feet. The square feet of the critical root zone of all the specimen trees, the condition, and expected disposition of these trees should also be provided. The applicant has asked for woodland preservation credit for the canopy coverage of one specimen tree. To receive credit for the preservation of the specimen tree, the

applicant must agree to indicate at the time of TCPII all necessary and best management practices to ensure the future health of the tree.

Staff is amenable to having the Woodland Conservation Area (WCA) requirement above the threshold proposed as an off-site credit at this time. However, prior to the certification of the TCPII the applicant should provide the location of the proposed off-site easement area(s). The recorded easements should be provided to the Environmental Planning Section prior to the issuance of permits.

The applicant should be prepared at the time of TCPII review to prepare a plan that will demonstrate the following:

- a. Coordination of bufferyards with woodland conservation areas;
 - b. Coordination of stormwater management landscaping with woodland conservation areas;
 - c. The protection of critical root zones surrounding specimens to be preserved;
 - d. The establishment or re-establishment of buffers along the stream and wetlands in high priority areas of the site.
4. The applicant has requested a variation from Section 24-130 of the Subdivision Regulations to allow for disturbance to wetlands and the wetland buffer. A variation request dated April 12, 2000, was submitted with the original preliminary plan application. A revised variation request dated May 24, 2000, was submitted along with a map indicating the locations of proposed disturbances.

A further clarification of the variation request was received on August 18, 2000, which clearly indicated the temporary and permanent proposed impacts. Approximately .39 acres of temporary impacts are proposed for the construction of a stormwater management basin, parking lot construction, and a stream crossing. Approximately .37 acres of permanent wetlands impacts are proposed for parking lot construction, and an entrance road.

The applicant has requested a variation to disturb the wetlands and its buffer, and the stream buffer in order to improve to current standards an existing vehicular drive which crosses the stream and provides access to the main portion of the site from Metzert Road. Staff does not object to the temporary or permanent impacts necessary to construct and improve the access drive across this stream. The temporary impacts will allow an appropriate work zone related to the improvements.

However, staff is concerned about the proposed permanent impacts to accommodate site development within the stream buffer and wetland buffer areas for the construction of a proposed retreat house, shown on the site development plan submitted by the applicant.

Permanent intrusions into the stream buffers for the placement of structures or "hard" SWM facilities do not demonstrate the minimization of impacts on buffer areas. Clearly, if structures are proposed directly on the wetlands buffer limit, a necessary work zone with associated impacts must also be considered.

Staff agrees with the applicant that the proposed location for the retreat house, overlooking the stream and wetlands areas, creates and supports the applicants vision for the use of the retreat house. A vision to create an environment, surrounded by a densely developed area, that is as isolated and as close to nature as this site will allow. Therefore, staff would support the variation for disturbance in this area for the construction of a retreat building or a building to serve a similar purpose, subject to the approval of a Limited Detailed Site Plan (DSP). The site plan should address specific and detailed development proposals which demonstrate that permanent and temporary impacts for the construction of the retreat building have been minimized to the fullest extent possible. Through innovative design techniques the minimization of permanent and temporary impacts to the nontidal wetlands can be accomplished.

Staff supports the request to allow the disturbance of the wetlands and the wetlands buffer based on the following findings:

- a. **That the granting will not be detrimental to the public safety, health or welfare, or injurious to other property.** The purpose of the variation request is to allow for the construction of a retreat building and for the upgrading of a stream crossing to accommodate an appropriate use for this site. The granting of the variation will not be detrimental to the public health and safety. Review of conceptual storm drain plans will ensure that no on site or down stream flooding will occur.
- b. **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 is pie shaped and elongated, a characteristic not shared by other properties in the area. An environmental feature containing wetlands and a stream, essentially dissects this property. With the smallest portion of the property dissected off, fronting Metzerott Road. Because the site is denied access to University Boulevard access is via Metzerott Road across the environmental feature to the main portion of this site. Staff believed this to be a unique situation not shared by other properties.
- c. **The variation does not constitute a violation of any other applicable law, ordinances or regulations.**

Approval of this variation request will not result in a violation of other applicable laws, ordinances or regulations.

- d. **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 unusual shape of the subject property and the topographical conditions of this site, which include a stream and wetlands being located on site, in concert with the fact that the applicant has been denied access via University Boulevard severely limits the applicants potential for development. It would be of particular hardship to deny the applicant the ability to improve the stream crossing and alter the existing watercourse. The variation is necessary for the development of this property to its reasonable potential.

5. An 8-foot variance is necessary for the approval of the proposed subdivision of Parcel 1.

Proposed Parcel 1 requires a variance from the minimum front yard setback in the R-80 Zone. Section 27-442(e) of the Prince George's County Zoning Ordinance requires an 25-foot front yard setback from the street. The existing dwelling unit which fronts on Metzerott Road which is to remain has an existing 30-foot front building setback. Due to additional right-of-way dedication required by the Department of Public Works and Transportation through this subdivision process, the existing 30-foot front building setback will be reduced to 17 feet from the street if this application for subdivision is approved.

Section 27-230(a) sets forth the required findings for variance approval. A variance may only be approved if the Planning Board finds:

- A. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situation or condition;**

In review of this site, staff has found that existing site is unique and contains inherent characteristics not shared by the surrounding properties. This site is elongated and has a pie shape which is not a characteristic shared by other properties in the area. It appears that the unusual shape is a result of continued road widening, a result of growth in the area.

It is very unusual for an existing dwelling located on a parcel of this size to become non-conforming to the setback requirements of the Zoning Ordinance due to a required road widening out of the control of the owner.

Due to the combination of the unusual shape of this property and the amount of street dedication required, staff believes this to be an extraordinary situation.

B. The strict application of this the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

In order for the existing structure to meet the minimum 25-foot setback it would have to be relocated, a portion of it removed, or razed. Due to severe environmental constraints on this property, development potential is limited. Careful site planning has been utilized to maximize the development potential of this site.

If the applicant relocates the structure on site another use may have to be forfeited. If the existing structure is relocated away from the street to meet the minimum front building setback it would impact the existing stream buffer to a greater extent than already exists. If the applicant razes the dwelling a loss of existing gross floor area would occur.

Staff believes that requiring the applicant to alter, relocate, or raze the existing dwelling due to a governmental request for road right-of-way widening would constitute an unusual practical difficulty upon the owner.

C. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Staff has reviewed the subject application and associated variance for compliance with the current master plan and general plan and has found the application in conformance with the recommendations found there within. This application will not impair the intent, purpose, or integrity of the General Plan or Master Plan.

6. The subject property is located in the southwest quadrant of the University Boulevard (MD 193) and Metzert Road intersection in the vicinity of College Park. The site contains a dwelling that is to remain and a plant nursery consisting of several greenhouses and a barn. The site is located in Planning Area 66/ Hollywood-College Park Woods Community Category ■• Policy Area, defined as an established area, predominantly developed, oriented toward direct service by Metro.

The 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends that the subject property be developed for single-family detached residential uses at ■Suburban■ density with a maximum of 3.5 dwelling units per acre.

The master plan identifies no historic site or resource on the subject property.

The proposed subdivision of the site to build a church will not raise any major issues impeding the goals, concepts and guidelines of the Master Plan.

7. The proposal is exempt from the requirement of Section 24-134 of the Subdivision Regulations for mandatory park dedication because it is over one acre in size and is a nonresidential use.
8. The Adopted and Approved Langley Park-College Park-Greenbelt Master Plan recommends that Metzerott Road be designated as a Class III bikeway with appropriate signage. Metzerott Road is a County right-of-way, the applicant therefore, should provide a financial contribution to the Department of Public Works and Transportation for the placement of bikeway signage.
9. The application is a preliminary plat of subdivision for a church complex on a residential zoned (R-80) property. The proposed development will consist of a church sanctuary of approximately 8,400 square feet of space for seating 700 parishioners and an accessory retreat building. The *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989) does not contain trip rates for churches. However the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 6th Edition* does indicate that churches could generate 0.72 trip per 1,000 square feet of gross floor area during the AM peak and 0.66 trip during the evening peak hour. Based on those trip rates, the subject property could generate approximately 6 trips in each peak hour.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 193 and Metzerott Road. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. Based on a May 18, 2000, traffic count the intersection of MD 193 and Metzerott Road was found to be operating at level-of-service **C** during the AM peak and **D** during the PM peak. When analyzed with the future traffic as developed using the *Guidelines*, the intersection was found to be operating at LOS D or better.

This intersection is not programmed for improvement with 100% construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program*.

The State Highway Administration has reviewed the proposed subdivision and has determined that safe, appropriate site access should be via Metzerott Road. State Highway has recommended that the plat contain a note indicating that access is denied along the entire frontage of University Boulevard, a State right-of-way.

The Transportation and Public Facilities Planning Division concludes that adequate access road will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

10. Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2000) (CR-4-1998) and concluded that the subdivision is exempt from APF test for schools because it is an institutional use.
11. Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulation and concluded the following:
 - a. The existing fire engine service at Branchville Fire Station, Company 11 located at 4905 Branchville Road has a service response time of 1.84 minutes, which is within the 3.25 minutes response time guideline.
 - b. The existing ambulance service at Branchville Fire Station, Company 11 located at 4905 Branchville Road has a service response time of 1.84 minutes, which is within the 4.25 minutes response time guideline.
 - c. The existing paramedic service at College Park Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 2.46 minutes, which is within the 7.25 minutes response time guideline.
 - d. The existing ladder truck service at College Park Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 2.46 minutes, which is within the 4.25 minutes response time guideline.
 - e. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for engine, ambulance, ladder truck and medic service. These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.
12. The proposed development is within the service area for Police District I, Hyattsville. In accordance with Section 24-122.01 of the Subdivision Regulations, the existing County's police facilities will be adequate to serve the proposed Wallace Memorial Presbyterian Church development. This police facility will adequately serve the population generated by the proposed subdivision.
13. During a site visit the Health Department noted a partially backfilled well on site. The well should be noted on the preliminary plan and properly backfilled and sealed in accordance with COMAR 26.04.04 prior to permits.

14. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 008005920, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

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 adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Brown, with Commissioners Eley, Brown and Hewlett voting in favor of the motion, and with Commissioner Lowe absent, at its regular meeting held on Thursday, September 21, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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