The Maryland-National Capital Park and Planning Commission
PRINCE GEORGE'S COUNTY
Planning Department
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Preliminary Plan of Subdivision 4-23041
Redeemed Christian Church of God, Victory Temple

REQUEST	STAFF RECOMMENDATION
Eight lots and two parcels for eight single-family detached dwelling units and 117,355 square feet of institutional development.	With the conditions recommended herein: • Approval of Preliminary Plan of Subdivision 4-23041 • Approval of Type 1 Tree Conservation Plan TCP1-022-2024 • Approval of a Variation from Section 24-121(a)(3) • Approval of a Variance to Section 25-122(b)(1)(G)

Location: In the southeast quadrant of the intersection of Mount Oak Road and Church Road.

Gross Acreage:	31.52
Zone:	RE
Prior Zone:	R-E
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	117,355 sq. ft.
Dwelling Units:	8
Lots:	8
Parcels:	2
Planning Area:	74A
Council District:	04
Municipality:	N/A

Applicant/Address:
The Redeemed Christian Church of God (Victory Temple) Bowie, Maryland
13701 Old Annapolis Road
Bowie, MD 20720

Staff Reviewer: Eddie Diaz-Campbell
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Planning Board Date:	11/07/2024
Planning Board Action Limit:	12/16/2024
Mandatory Action Timeframe:	140 days
Staff Report Date:	10/29/2024
Date Accepted:	06/28/2024
Informational Mailing:	12/27/2023
Acceptance Mailing:	06/27/2024
Sign Posting Deadline:	10/08/2024

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/.
Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

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Type 1 Tree Conservation Plan TCP1-022-2024
Variation from Section 24-121(a)(3)
Variance to Section 25-122(b)(1)(G)
Redeemed Christian Church of God, Victory Temple

OVERVIEW

The subject site is located in the southeast quadrant of the intersection of Mount Oak Road and Church Road. The property totals 31.52 acres and consists of three existing parcels, recorded by deed, and one existing platted lot. These include Parcel 19, recorded in the Prince George's County Land Records in Book 40895 page 13; Parcel 37, recorded in Book 42279 page 569; Parcel 71, recorded in Book 41654 page 435; and Lot 1 of the Mussante Subdivision, recorded in Plat Book NLP 108 Plat No. 72. The property is located in Tax Map 62, Grids E1 and E2. The property is also subject to the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan).

The property is in the Residential Estate (RE) Zone. However, this application is being reviewed in accordance with the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24 1900 *et seq*. of the current Subdivision Regulations. Therefore, this application is reviewed pursuant to the standards of the prior version of the Residential Estate (R-E) Zone for the property, which was effective prior to April 1, 2022.

The subject property currently features two single-family detached dwellings, two barns, a trailer, and a cell tower. All existing structures, except for the cell tower, will be razed. This preliminary plan of subdivision (PPS) proposes eight lots and two parcels for development of eight single-family detached dwelling units and 117,355 square feet of institutional development. One of the two proposed parcels, Parcel 1, will be used for the institutional development (a proposed church) while the other, Parcel A, will be conveyed to a homeowners association and used for stormwater management. Existing Lot 1 is subject to prior PPS 4-80152; however, the majority of the site has never been the subject of a PPS. Therefore, a PPS is required for the division of land, the construction of multiple dwelling units, and the construction of more than 5,000 square feet of nonresidential uses.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on April 22, 2022. In accordance with Section 24-1904(b), the applicant provided a statement

of justification dated October 3, 2024, which includes an explanation of why they are electing to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-071.

The subject PPS has an accompanying Type 1 Tree Conservation Plan, TCP1-022-2024. The PPS was accepted for review prior to July 1, 2024, and therefore, the TCP1 was reviewed in accordance with the version of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) in effect immediately prior to July 1, 2024. The applicant filed a request for a variance to Section 25-122(b)(1)(G) of the prior WCO, to allow removal of four specimen trees. This request is discussed further in the Environmental finding of this technical staff report.

The applicant also filed a request for a variation from Section 24-121(a)(3) of the prior Subdivision Regulations, to allow two points of direct driveway access onto Mount Oak Road, an arterial roadway. This request is discussed further in the Transportation finding of this technical staff report.

Staff recommend **APPROVAL** of the PPS and TCP1, with conditions, and **APPROVAL** of the variance and variation, based on the findings contained in this technical staff report.

SETTING

The site is within Planning Area 74A. North of the site is Mount Oak Road, with a church and single-family detached dwellings in the RE Zone (formerly R-E Zone) beyond. West of the site is Church Road, with vacant wooded land in the Agricultural-Residential Zone (formerly Residential-Agricultural Zone) beyond. South of the site are two single-family detached dwellings and the Mullikin's Delight historic site, all in the RE Zone (formerly R-E Zone). Southeast of the site are single-family detached dwellings in the Tall Oak Estates subdivision, zoned RE (formerly R-E). The Tall Oak Estates subdivision features Dew Drive, which the applicant proposes to extend onto the subject property, to serve the proposed residential lots.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	EVALUATED
Zones	RE	R-E
Use(s)	Residential and Agricultural	Residential and Institutional
Acreage	31.52	31.52
Parcels	3	2
Lots	1	8
Dwelling Units	2	8
Gross Floor Area (nonresidential)	0	117,355 sq. ft.
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Variation	No	Yes, Section 24-121(a)(3)

The subject PPS (4-23041) was accepted for review on June 28, 2024. Pursuant to Section 24-119(d)(2) of the prior Prince George's County Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee (SDRC), which held a meeting on July 19, 2024, at which comments were provided to the applicant. The requested variation from Section 24-121(a)(3) of the prior Subdivision Regulations was received on June 28, 2024, alongside the PPS, and was also reviewed at the SDRC meeting on July 19, 2024. Revised plans and information were received on September 27, 2024, and October 3, 2024, which were used for the analysis contained herein.

2. **Previous Approvals**—Existing Lot 1 is subject to PPS 4-80152, which was approved on October 9, 1980, for one lot. This PPS, if approved, will supersede 4-80152 for the area of existing Lot 1. There are no previous development approvals which apply to the remaining property.

3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035
Plan 2035 places this application in the Established Communities. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development (page 20)." Plan 2035 considers it "vital" that the County "support its Established Communities (page 75)." In addition, the plan notes that "Established Communities make up the County's heart—its established neighborhoods, municipalities, and unincorporated areas outside designated centers, (page 106)" and "Urban design is equally relevant to the planning and design of urban and suburban Established Communities as it is to rural areas (page 196)."

Master Plan
The master plan recommends residential low land use on the subject property. Residential low land use is defined as residential areas with more than 0.5 and up to 3.5 dwelling units per acre, with primarily single-family detached dwellings (page 49).

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George's County District Council has not imposed the recommended zoning. The residential portion of the site consists of 9.95 acres. The proposal of eight dwelling units results in a residential density of 0.80 dwelling units per acre, which conforms with the recommended land use and density of the master plan. Though residential low land use areas consist primarily of single-family detached dwellings, other uses may be permitted based on the zoning of the subject property. The proposed institutional land use (a place of worship) is permitted by right in the R-E Zone. Therefore, staff find that the proposed development conforms with the recommended land use.

The master plan recommends the following policies and strategies to advance the intent and purpose of the plan. The policies are listed below in **bold** text, and staff findings regarding each policy are given in plain text:

Transportation and Mobility

Policy TM 2: All streets in Bowie-Mitchellville and Vicinity should accommodate traffic at Plan 2035-recommended levels of service (LOS) (page 113).

TM 2.2 Design all streets in the Established Communities of Bowie-Mitchellville and Vicinity to allow operation at LOS D (page 113).

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. Therefore, the property was evaluated according to a Level-of-Service D standard with approved Certificate of Adequacy ADQ-2023-071. The ADQ includes appropriate conditions to ensure traffic adequacy.

Policy TM 11: Diversify how parking is provided to create a vibrant and connected built environment (page 127).

TM 11.2 Formalize, stripe, and/or barrier-separate pedestrian pathways in surface and structured parking lots. Strive to eliminate pedestrian activity in drive aisles through alternative pathways, signage, and education (page 127).

Parking will be evaluated at the time of permitting and will be required to conform to the requirements of the prior Prince George's County Zoning Ordinance. Direct pedestrian pathways connecting from the roadway frontages to the internal parking and church building entrances are recommended with this PPS; these pathways will help eliminate pedestrian activity in drive aisles.

Housing and Neighborhoods

Policy HN 3: Encourage exterior home improvements that enhance the appearance and perceived safety of neighborhoods (page 154).

HN 3.3 Implement Crime Prevention Through Environmental Design (CPTED) strategies with new and redeveloped projects that include unobstructed pedestrian-friendly sidewalks, well-lit parking areas, building entrances and yards, and well-maintained landscaping and common areas (page 155).

The applicant is encouraged to incorporate Crime Prevention Through Environmental Design strategies into the building and site design at the time of building permit. Pedestrian-friendly sidewalks are required and further discussed in the Transportation section of this technical staff report. The lighting of the church's parking areas will be required to conform to Section 27-562 of the prior Zoning Ordinance. Landscaping of both the church parcel and the residential area will be required to conform to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance to the applicable requirements will help meet this policy and strategy.

Additional relevant master plan policies related to master-planned rights-of-way, the environment, and bicycle and pedestrian friendly development are listed and addressed in the Environmental and Transportation findings of this technical staff report, respectively. Staff find that the PPS conforms to the relevant policies and strategies of the master plan, based on the findings given throughout this technical staff report.

Sectional Map Amendment/Zoning
The 2024 *Approved Bowie-Mitchellville and Vicinity Sectional Map Amendment* retained the subject property in the RE Zone. However, this PPS was reviewed pursuant to the prior R-E zoning, which was in effect for the site prior to April 1, 2022.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (32054-2024-SDC) was submitted with the subject application. Proposed SWM features include three submerged gravel wetlands, an underground stormwater storage facility, several micro-bioretention facilities and bioswales, and several dry wells in the residential portion of the project. No further information is required regarding SWM with this application.

   Staff find that development of the site, in conformance with the SWM concept plan once approved, and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations as they pertain to public parks and recreational facilities.

   Master Plan Conformance
   The proposed development has no impact on the master plan's park and open space recommendations. The master plan indicates there are 64 public parks within the planning area, owned and operated by both the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the City of Bowie (page 168). The master plan emphasizes the provision of recreational facilities and services for residents.

   Park and recreation amenities serving the subject property include the Collington Branch Stream Valley Park, developed with trails; the Collington Station Park, developed with muti-purpose fields; North Oak Park, developed with soccer fields; Spring Lake Park, developed with areas for baseball, soccer, playground, and picnic; and the Mitchellville South Park, developed with pickleball courts, basketball, baseball, and soccer fields, and a playground.

   Subdivision Regulations Conformance
   Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. The PPS proposes eight residential lots.

Based on the permissible density of development under the zoning, five percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 0.51 acre. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. Therefore, the 0.51 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

The recreational guidelines for Prince George's County also set standards based on population. The projected population for the development is 21 new residents. Per Section 24-135, the Prince George's County Planning Board may approve the payment of fees in place of parkland dedication. The available records indicate that a fee-in-lieu of mandatory parkland dedication was previously paid for existing Lot 1. The area of this lot roughly corresponds in location to proposed Lot 6 of the current PPS. Two of the residential lots (Lots 5 and 6) are exempt from the mandatory parkland dedication requirement per Section 24-134(a)(3)(B) of the prior Subdivision Regulations because the net lot area of each lot exceeds one acre. Six of the eight proposed lots (Lots 1–4, 7, and 8), each of which are less than an acre in size, are on land that has not been previously subject to mandatory parkland dedication. Staff recommend the payment of a fee-in-lieu of the mandatory dedication of parkland for these lots.

Staff find that the proposed provision of a fee-in-lieu will meet the requirements of prior Subtitle 24, as it pertains to parks and recreation facilities, with the conditions recommended in this technical staff report.

6. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the prior Subdivision Regulations to provide the appropriate transportation recommendations.

Master Plan Right-of-Way

The subject property has frontage on Mount Oak Road (A-26), an arterial roadway with an ultimate 120-foot-wide right-of-way along the portion that fronts the subject property. The PPS shows sufficient right-of-way dedication to demonstrate 66 feet of right-of-way width from the road centerline, which meets the master plan requirements. The PPS also shows proposed vacation of two portions of the existing right-of-way, to ensure a consistent width between the road centerline and the property frontage.

The site also has frontage along Church Road (C-300), a master-planned collector roadway with a 90-foot-wide ultimate right-of-way. The PPS shows sufficient right-of-way dedication to demonstrate a minimum 45 feet of right-of-way width from the road centerline, to meet the right-of-way width requirements.

The PPS also proposes dedication of 26,378 square feet of land to extend Dew Drive with a 60-foot-wide right-of-way, terminating in a cul-de-sac, to serve the proposed residential lots.

The proposed dedication of public right-of-way, as shown on the PPS, conforms to the requirements of the master plan and will be adequate to serve the additional traffic generated by the project.

Master Plan Pedestrian and Bike Facilities
The MPOT recommends sidepaths along the frontages of Mount Oak Road and Church Road. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

> **Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**
>
> **Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities.***
>
> **Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

To meet the recommendations of the MPOT, staff recommend that 10-foot-wide shared-use paths be provided along the property's frontages of Mount Oak Road and Church Road, and that internal pedestrian connections be provided throughout the site and to the roadway frontages, including continental-style crosswalks and Americans with Disabilities Act-compliant curb ramps. Staff also recommend 5-foot-wide sidewalks along Dew Drive, to serve the residential development. In addition, bicycle parking is recommended near all building entrances for the church facilities. The recommended facilities and amenities will create new continuous connections to adjacent properties and fulfill the intent of the MPOT policies.

The master plan contains the following recommendations which are relevant to the subject site. The recommendations are listed below in **bold** text, and staff findings regarding each recommendation are given in plain text:

> **Policy TM 3: Enhance active transportation infrastructure to create greater quality of life and attract businesses and employees (page 113).**
>
> **TM 3.1** **Ensure all streets in Bowie-Mitchellville and Vicinity's Centers and Established Communities have sidewalks (page 113).**
>
> **TM 3.3** **Provide marked crosswalks on all legs of all intersections.**
>
> **TM 3.8** **Consistent with the AASHTO Guide for the Development of Bicycle Facilities, provide a minimum of four short-term bicycle parking spaces at all nonresidential properties; provide a minimum of four long-term bicycle parking spaces at all nonresidential properties larger than 50,000 feet of gross floor area (page 114).**
>
> The above-recommended sidewalks, crosswalks, and bicycle parking will meet the intent of this policy. The specific quantity of bicycle parking to be provided will be evaluated with the permit plans.

Policy TM 4: All streets within a half-mile of each school should incorporate active transportation and pedestrian/bicycle safety features (page 115).

TM 4.1 **Seek opportunities to construct sidewalks on all streets within a half-mile of a school. All intersections within a half-mile of all schools should have marked crosswalks on all legs and appropriate signage (page 115).**

TM 4.3 **Within one-half mile of all schools, provide protected bicycle facilities, such as cycle tracks and shared-use paths, on all roadways classified as collector or above to facilitate student bicycle commuting (page 115).**

TM 4.4 **Provide in-road bicycle facilities with separation from motor vehicle traffic on all roads within one-half mile of a school to facilitate bicycle commuting (page 115).**

The site is located less than half a mile away from a school located to the south, at 2112 Church Road. The recommended shared-use paths along Mount Oak Road and Church Road will facilitate bicycle commuting to the school, though an extension of the Church Road sidepath will ultimately be needed at a future time, to reach the school site. Since Mount Oak Road and Church Road are arterial and collector roadways, respectively, the off-road shared-use paths are more desirable than in-road bicycle facilities for the safety of the bicyclists. An in-road bicycle facility would also not be needed along Dew Drive because it is proposed as a cul-de-sac with very limited traffic.

Policy TM 7: Develop a comprehensive shared-use path network in Bowie-Mitchellville and Vicinity to provide additional connectivity and travel options (page 116).

TM 7.1 **Construct the pedestrian and bicycle recommendations in Appendix D. Recommended Master Plan Transportation Facilities, which include facilities along roadways as well as shared-use paths independent from the roadway and reflect coordinated and reconciled recommendations outlined in the City of Bowie Trails Master Plan, the M-NCPPC Department of Parks and Recreation (DPR) Strategic Trails Plan, and the MPOT (page 116).**

Appendix D of the master plan recommends Church Road (C-300), from Mount Oak Road to MD 214 (Central Avenue), to be a 90-foot-wide collector roadway with 10-foot-wide minimum shared-use paths in both directions, with 2 travel lanes. Appendix D also recommends Mount Oak Road (A-26), from Mitchellville Road to Church Road, to be a 120-foot-wide arterial roadway with 10-foot-wide minimum shared-use paths in both directions, with 2 travel lanes. The proposed right-of-way dedication and recommended shared-use paths will allow these recommendations to be met.

Based on the above, staff find that the relevant bicycle and pedestrian recommendations of the master plan will be met.

Access and Circulation
The proposed development is divided into two parts: the institutional development on Parcel 1, and the residential development on Lots 1–8. Findings regarding the access and circulation of each part are given below.

Institutional Development
The institutional development on Parcel 1 is proposed to be accessed via one driveway onto Church Road and two driveways onto Mount Oak Road. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed roadway of arterial or higher classification be designed to front on either an interior street or service roadway. Parcel 1 is not proposed to front on Dew Drive, any other interior street, or a service roadway. Instead, Parcel 1 is proposed to front on and take direct access from Mount Oak Road, an arterial roadway. The applicant has requested a variation from Section 24-121(a)(3), to allow this proposed access.

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

(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 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 PPS proposes one full movement access onto Church Road, and two access points onto Mount Oak Road; one of which is proposed to be full movement and the other right-in/right-out only. Staff requested that the applicant analyze the impact of the proposed access points to the adjoining road network using two alternative scenarios: one with only one access point onto Mount Oak Road, and a second scenario with no access point onto Mount Oak Road. The applicant's analysis concluded that one access point onto Mount Oak Road will operate at an unacceptable level, based on M-NCPPC's *Transportation Review Guidelines,* and instead two access points are needed to reduce delay and queuing. Similarly, requiring all access to the church to be from Church Road (no access to Mount Oak Road) would also cause unacceptable delays and queuing. Therefore, not granting the variation could be injurious to public safety, health, or welfare, or injurious to other property. Staff find that the proposed right-in/right-out access and full-movement access points to Mount Oak Road will not be detrimental to the adjacent properties, and will allow the majority of the traffic to circulate

through the site without negatively impacting the neighborhood, to the benefit of the public safety and welfare.

(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 corner location and existing woodlands on-site create conditions not applicable generally to other properties. Based on the access point analysis, excessive queuing is likely to occur on Church Road if only one access point is permitted to the site. To minimize the impact to Church Road and Mount Oak Road, the two access points to Mount Oak Road are needed. There are steep slopes and specimen trees located in the central portion of the site, which restrict the ability to provide access from the residential portion of the development via Dew Drive. Furthermore, such access would cause congestion in the adjoining Tall Oak Estates neighborhood by forcing church traffic onto local residential streets. For these reasons, staff find that this criterion is met.

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

The approval of a variation from Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Staff are not aware of any other law, ordinance, or regulation that would be violated by this request. The design of the access points will require approval by the permitting agency, which will ensure that any other applicable regulations are met.

(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;

As discussed above, the subject property is a corner lot, with frontage on an arterial and a collector roadway. If the strict letter of this regulation were carried out, requiring access only from Church Road, then Church Road would experience excessive queuing and perform at an unacceptable level during the peak hour of Sunday service. In addition, the above-mentioned on-site environmental features, including the steep slopes and specimen trees, prevent the applicant from providing access via the extension of Dew Drive from the east. Providing access via Dew Drive would require extensive grading and require more specimen trees to be requested for removal. Staff also do not recommend access to the proposed church facilities via Dew Drive because providing access from Dew Drive would create cut-through traffic to the church through the adjacent Tall Oak Estates residential neighborhood. Staff find that prohibiting access to Mount Oak Road would create a particular hardship for the owner if the strict letter of the regulations were carried out and the two direct access points to Mount Oak Road were denied.

(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 not located in any of the above-listed zones. Therefore, this finding is not applicable.

The purposes of the prior Subdivision Regulations are served to a greater extent by the alternative proposal, as the variation will provide for the safety and general welfare of visitors to the property, and allow for the most beneficial relationship between the land being subdivided and the circulation of traffic. This request will not have the effect of nullifying the intent and purpose of this Subtitle or Section 9-206 of the Environment Article, as the recommendations provided herein will help ensure the property and surrounding properties are protected from adverse transportation impacts. Based on the preceding findings, staff recommend approval of the requested variation from Section 24-121(a)(3), for two direct access driveways to Mount Oak Road, an arterial roadway.

Residential Development

The residential portion of the development is proposed to be accessed via an extension to the existing Dew Drive, terminating in a cul-de-sac. The extension is proposed as a public right-of-way. It is noted that the subject property abuts the City of Bowie ("City") along its southeastern boundary line, and that the Dew Drive Road extension will only be accessed from within the City, but would not actually be within the municipal limits of the City. The applicant should determine whether the City or the Prince George's County Department of Public Works and Transportation (DPW&T) will be the responsible operating agency for this road extension. Maintenance by the City may require annexation of the road right-of-way, and possibly the residential lots fronting it, into the City limits. Staff found that there were existing examples of streets near the City that were maintained by the County, even though they could only be accessed through the City, and the applicant offered the opinion that such a scenario is not atypical. The subject PPS was referred to both operating agencies, however, neither have returned referral comments at the time of the writing of this technical staff report.

The overall property's frontage on Mount Oak Road is more than 750 feet long. Therefore, a walkway with a 10-foot-wide right-of-way may be required through the block, pursuant to Section 24-121(a)(9) of the prior Subdivision Regulations. Staff recommend that a sidewalk and an associated 10-foot-wide public use easement be provided from the proposed Dew Drive cul-de-sac to Mount Oak Road. This will provide pedestrian connectivity from Dew Drive to Mount Oak Road, and link the sidewalks recommended along Dew Drive, and the shared-use path along Mount Oak Road, into a shared pedestrian network. However, if the permitting agency does not require a shared-use path or other walkway along Mount Oak Road, this connection should not be provided. The connection should be omitted to avoid the sidewalk terminating on the arterial road without a safe continuation of the pedestrian

network. The sidewalk and the associated public use easement should be maintained by the homeowners association.

Based on the findings presented above, staff conclude that multimodal transportation facilities will exist to serve the proposed subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and will conform to the MPOT and master plan, with the recommended conditions provided in this technical staff report.

7. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains a contains a Public Facilities Section that establishes the following public facility goals for the master plan area:

    1. **All students have quality educational instruction in modern facilities (page 176).**

    2. **High-quality, well-maintained public facilities catalyze economic development and revitalization, stimulate employment growth, strengthen neighborhoods, and improve quality of life (page 176).**

    3. **Fire and emergency medical services (EMS) respond areawide in established response times (page 176).**

    The proposed development will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2023-071, which established that pursuant to adopted tests and standards, police facilities are adequate to serve the proposed development, and the public schools serving the development have available capacity. Mitigation may be provided for fire and emergency medical services not being able to reach the site within the established response times. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property, in the master plan.

    The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect the subject site.

    Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 4, "Community System Adequate for Development Planning." The applicant will need to file for and obtain an administrative amendment from Category 4 to 3, prior to approval of a final plat. In addition, the property is within Tier 2 of the Sustainable Growth Act. Tier 2 includes those properties that are planned to be served by public sewerage systems in the future. The subject property is in the appropriate service area for PPS approval.

8. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior 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 public utility easements (PUEs) is a minimum of 10 feet wide along both sides of all public rights-of-way. The site abuts the public rights-of-way of Church Road and Mount Oak Road. The required PUEs are shown along these roadways. In addition, the PPS proposes a new public right-of-way for the extension of Dew Drive. A PUE is shown on both sides of this public right-of-way. The proposed PUEs meet the standard requirements.

9. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject application at its meeting on October 15, 2024. HPC voted 6-0 to recommend to the Planning Board approval of the subject application, with no conditions.

The subject property is adjacent to Mullikin's Delight and Cemetery, Historic Site 74A-010. Built in the early 18th century, with portions constructed circa 1800, Mullikin's Delight consists of two small frame cottages connected by a passage. Mullikin's Delight represents one of the earliest plantations established in the county and was owned and occupied by the Mullikin family for six generations, with several family members buried in the small graveyard near the house.

The subject property and Mullikin's Delight and Cemetery, Historic Site 74A-010, were both zoned R-E under the prior Zoning Ordinance. The two properties share a property boundary of approximately 600 feet. Mullikin's Delight and Cemetery has an environmental setting of 15.82 acres, with the historic structure located towards the southern boundary. The historic site is largely forested with some open space, agricultural fields, and reforestation areas.

Per the Landscape Manual, the proposed development requires a Type "E" buffer (60 feet minimum setback, 50 feet minimum landscaped yard, and 180 plant units required per 100 linear feet of property line) along the entire shared property line with the historic site. The applicant has provided an exhibit, incorporated by reference herein, showing the required 50-foot buffer at this location and states further details of the buffer will be provided at the time of permit. Staff find that a Type E Landscape Buffer is sufficient to visually buffer the proposed development from the historic site.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the developing property is high. A Phase I archeology survey was conducted, with a total of 252 shovel test pit (STP) locations established at 50-foot intervals across the property. Study Areas 1, 3, and 4 contained no cultural material. Study Area 2 covered 4.5 acres of level to gently sloped fallow fields around a derelict tobacco barn and was located immediately east of the recently razed Ingalls-Beall House (Documented Property 74A-22), at the principal entry into the property. A total of 58 STPs were excavated over 9 transects. Twentieth-century domestic and architectural debris were recovered from STPs located along Transects A and C and are associated with the extant barn and razed house lot. Study Area 5 comprised 0.89 acre of an approximately 1.1-acre level house lot covered in tall grasses around several specimen trees and derelict fences and shipping containers. A total of 17 STPs were excavated along 3 transects. Artifacts recovered include 20th-century domestic (white earthenware, vessel glass) and architectural (machine-cut nail, window

glass) debris in largely disturbed soils. No historically significant archaeological deposits were encountered, and no archaeological sites were identified in the Phase I archaeology survey. No further archaeological investigations were recommended by the consulting archeologist. Staff concur that no additional archaeological investigations are necessary on the subject site.

The master plan contains goals and policies related to historic preservation (pages 157 through 165). However, these are not specific to the subject site.

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

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-049-2022	N/A	Staff	Approved	4/13/2022	N/A
4-23041	TCP1-022-2024	Planning Board	Pending	Pending	Pending

Applicable Woodland Conservation Ordinance

This site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the 2018 Environmental Technical Manual (ETM) because the application is for a new PPS and was accepted prior to July 1, 2024. The project is also subject to the environmental regulations contained in prior Subtitles 24 and 27.

Site Description

In the past, the site was primarily used for agriculture. Two houses are also located on-site near Mount Oak Road, as well as a monopole tower, centrally located along the southern property line. The site does not contain any wetlands of special state concern. As identified by the Maryland Department of Natural Resources (DNR), the western portion of the site is in the Northeast Branch watershed, and the eastern portion of the site is in the Collington Branch watershed; both watersheds drain into the Western Branch. The Western Branch watershed is identified by DNR as a Stronghold watershed. The site fronts on Church Road, designated by the MPOT as a collector roadway, and Mount Oak Road, which is designated as an arterial roadway. Both roadways are classified as scenic and historic roads.

Plan 2035

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy in Plan 2035.

Environmental Conformance with Applicable Plans

Master Plan Conformance

The following policies from the master plan are applicable to the current project regarding natural resources preservation, protection, and restoration. The text in **BOLD** is text from the master plan, and the plain text provides comments on plan conformance.

Natural Environment Section

Green Infrastructure

Policy NE 1: Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or redevelopment.

There are no regulated environmental features (REF) found on-site. The areas of proposed woodland preservation, afforestation, and natural regeneration along the southern property line will remain connected and will connect to woodlands abutting this property. This will ensure that areas of connectivity and ecological functions will be maintained, restored, or established during development. The PPS is found to be in conformance with the 2017 *Countywide Green Infrastructure Plan* (GI Plan) *of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan,* as discussed below.

Policy NE 2: Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 41. Nontidal Wetlands of Special State Concern (NTWSSC)—2017).

There are no Nontidal Wetlands of Special State Concern within the vicinity of this property, as mapped on Map 41 of the master plan.

Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.

The SWM concept plan is currently under review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). A final SWM design plan in conformance with County and state laws will be required prior to issuance of any grading permits for this site. The SWM concept plan proposes five bioswales, two micro-bioretention facilities, two underground storage facilities, three submerged gravel wetlands, and two drywells to manage stormwater proposed to be generated from the site.

Forest Cover/Tree Canopy Coverage

Policy NE 4: Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.

Development of this site is subject to the WCO requirements and the 2024 Tree Canopy Coverage Ordinance. The Type 1 tree conservation plan (TCP1) submitted with the PPS shows the use of various ways to meet the majority of woodland conservation requirements on-site, as discussed further in the woodland conservation section below. Street tree planting requirements will be reviewed by DPW&T at the time of permit review.

Impervious Surfaces

Policy NE 5: Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.

Development of this site will be subject to the WCO requirements and the 2024 Tree Canopy Coverage Ordinance. This project proposes to provide woodland preservation and afforestation on-site. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect. Street tree planting requirements will be reviewed by DPW&T, at the time of permit review. Development of the site will be subject to the current SWM regulations, which require that environmental site design be implemented to the maximum extent practicable.

Climate Change

Policy NE 6: Support local actions that mitigate the impact of climate change.

Development of this site is subject to the WCO and the 2024 Tree Canopy Coverage Ordinance for the zone. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change. This project proposes to provide woodland preservation and afforestation on-site. Street trees and landscape trees will be evaluated at the time of permit review.

Conformance with the Green Infrastructure Plan

The GI Plan was approved with the adoption of the *Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Resource Conservation Plan), in 2017.

According to the GI Plan and the Resource Conservation Plan, the eastern, southern, and western portions of the project area are identified as being in an evaluation area. There are no regulated areas located on this site. Based on the proposed site layout shown on TCP1, the project demonstrates substantial conformance with the applicable policies and strategies of the GI Plan.

The following policies and strategies are applicable to the subject application. The text in **BOLD** is text from the GI Plan, and the plain text provides staff findings on plan conformance:

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.

b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.

c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.

d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.

No REF are found on-site; however, the areas of proposed woodland preservation, afforestation, and natural regeneration along the southern property line will remain connected and will connect to woodlands abutting this property. This will ensure that areas of connectivity and ecological functions will be maintained, restored, or established during development. The western portion of the property is within the Northeast Branch of the Western Branch watershed, which flows into the Patuxent River. The eastern portion of the property is within the Collington Branch, which is also in the Western Branch watershed. This site is not within a Tier II catchment area but is in a Stronghold watershed. SWM will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County Soil Conservation District. The limits of disturbance shown on the SWM plans and the sediment and erosion control plans shall be consistent with the limits of disturbance on the future Type 2 tree conservation plan (TCP2).

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or

planting of a new corridor with reforestation, landscaping and/or street trees.

2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.

2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.

The eastern, southern, and western portions of the site are in the evaluation area of the GI Plan and there are no regulated areas on-site. Network gaps were not identified on the property. There are no primary management areas (PMA) on this site.

A TCP1 was provided with this application, which shows that the required woodland conservation requirement will be met through both on-site methods and off-site woodland mitigation credits, as further discussed in the woodland conservation section below.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.

No transportation related impacts to the green infrastructure network are proposed with the subject application.

b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.

This site is not contiguous with any parks or trail systems abutting residentially developed properties. Shared-use paths are recommended along the frontages of the site, on Church Road and Mount Oak Road; however, these shared-use paths will not impact any regulated areas.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.

There is no PMA on-site, and therefore, no conservation easements will be required. On-site woodland conservation shall be placed in a woodland and wildlife habitat conservation easement prior to the approval of the subsequent TCP2.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

There are no REF located on-site or in the vicinity. The project has not received SWM concept approval, but is in review with DPIE. The TCP2 shall match the SWM concept plan, when approved.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.

7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.

The overall site will be cleared and graded pursuant to Subtitle 32 requirements. The TCP1 provided with this application shows that the required woodland conservation requirement will be met through both on-site methods and off-site woodland mitigation credits; the use of fee-in-lieu is not proposed. See the Woodland Conservation section for more details. Landscaping and tree canopy coverage (TCC) requirements will be evaluated at the time of permit review.

Forest Canopy Strategies

7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.

7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.

7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.

The proposed development will primarily be in areas of existing open space and previously developed areas of the site. The area between the proposed church and the residential lots will retain the existing woodland and will be reforested using methods to protect the forest edge. No forest interior dwelling species are present on this site, or in the surrounding area. Green and open space is encouraged to serve multiple eco-services. The planting of native species on-site is required by the Landscape Manual, which can count toward the TCC requirement for the development. TCC will be evaluated with the permit site plan.

Environmental Review

Natural Resources Inventory
A Natural Resources Inventory (NRI-049-2022) Plan was approved on April 13, 2022, and was provided with this application. A review of the available information indicates that there are no REF on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, and used on PGAtlas, there are rare, threatened, or endangered species found to occur on the southwestern portion of this property. During the NRI plan review process, a letter dated December 3, 2021, from the Maryland Department of Natural Resources (DNR) Wildlife and Heritage Service was provided. This DNR letter states that there are no known rare, threatened, or endangered species found to occur on or near this property and did not indicate that forest interior dwelling species are present. Six specimen trees are located on this site.

Woodland Conservation
This site is subject to the provisions of the WCO and ETM because the application is for a new PPS that was accepted for review prior to July 1, 2024. TCP1-022-2024 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

Based on the TCP1 submitted with this application, the site's gross area is 31.47 acres, containing 3.40 acres of woodland in the net tract. The site has a woodland conservation threshold of 7.87 acres (25 percent). The woodland conservation worksheet proposes the

removal of 1.90 acres of woodland in the net tract area for a woodland conservation requirement of 8.19 acres. It is noted that the gross area shown on the TCP1 is inconsistent with that noted on the PPS (31.52 acres) and that this discrepancy should be resolved prior to signature approval of the plans.

According to the worksheet, the woodland conservation requirement is proposed to be met with 0.59 acre of on-site woodland preservation, 3.65 acres of afforestation, 1.27 acres of natural regeneration, 0.46 acre of landscape credits, 0.33 acre of specimen tree credits (which are credited twice), and 1.56 acres of off-site woodland conservation mitigation credits. The forest stand delineation has identified six specimen trees on-site. This application proposes the removal of four specimen trees.

Section 25-122(c)(1) of the WCO prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification (SOJ) on June 28, 2024, requesting approval of off-site woodland conservation, as reflected on the TCP1 worksheet. The applicant states that to meet the development goals of building a church and eight residential lots, along with the infrastructure to support this development, woodlands will need to be cleared. The site will retain 0.59 acre of woodland and be replanted with 3.65 acres of afforestation/reforestation and 1.27 acres of natural regeneration. Credits will be used for the specimen trees that will remain on proposed residential Lots 1 and 3, and which are not included in the woodlands. Along the property frontage on Mount Oak Road, 0.46 acre of landscape credits are proposed. To meet the remainder of woodland conservation requirement, the applicant requests the use of 1.56 acres off-site woodland conservation credits. Staff support the use of off-site credits as the applicant has sufficiently shown that they will provide 6.63 acres of the 8.19-acre woodland conservation requirement on-site and will meet the 2.89 acres afforestation threshold requirement.

Regulated Environmental Features

REF are required to be preserved and/or restored to the fullest extent possible under the Environmental Standards of Section 24-130 of the prior Subdivision Regulations. No REF were found on the subject property.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO 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 [Environmental] Technical Manual." The code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16, of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George's County's WCO are set forth in Section 25-119(d). Section 25-119(d)(4) of the WCO clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance was submitted for review with this application. The approved NRI-049-2022 identifies six specimen trees on-site. In a SOJ dated September 26, 2024, the applicant requested to remove four specimen trees identified as Specimen Trees ST-3 through ST-6. The trees proposed for removal are in poor to good condition. The TCP1 shows the location of the specimen trees proposed for removal.

The following analysis is a review of the request to remove the four specimen trees (ST-3, ST-4, ST-5, and ST-6). Specimen Trees ST-4, ST-5, and ST-6 are located near an existing trailer on the site that will be removed, and the area will be redeveloped into a parking lot for the proposed church. The fourth tree to be removed is located further south of the other three specimen trees and will be removed to build the parking lot for the church and a proposed athletic field.

Staff support the removal of the four specimen trees requested by the applicant, based on the findings below. Section 25-119(d) contains six required findings (text in **bold**) to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below:

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

Special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the four specimen trees identified as ST-3, ST-4, ST-5, and ST-6. The site is mainly fallow fields with three residences, barns, and a monopole. Woodlands are located along the eastern and southeastern perimeter of the site. The special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location. Specimen Trees ST-4, ST-5, and ST-6 are located outside of the woodlands, near an existing trailer and driveway which need to be removed, as this is the most developable portion of the property to provide adequate parking and circulation for the proposed use. The location of the existing driveway was utilized for the new access point to proposed Parcel 1. Further, the proposed church building, parking, and athletic field are proposed to be located to avoid unnecessary clearing of existing woodlands further to the south. These three specimen trees cannot be saved as a consequence.

The fourth Specimen Tree, ST-3, is located outside of any woodlands, is in the area of a proposed athletic field, and has a critical root zone which will be impacted by the previously mentioned parking lot. Both the athletic field and parking lot will require significant grading to ensure safe and usable facilities. The athletic field location was chosen as it is in the only developable portion of the site that is large enough to support a standard-sized field, to allow for various sport activities and church events.

The species proposed for removal are two silver maple (ST-3 and ST-6) and two American sycamore (ST-4 and ST-5). The condition ratings of these trees range from poor to good. The silver maple trees have a poor tolerance to construction, and the American sycamore has a medium construction tolerance; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the critical root zone.

This specimen tree removal variance request was analyzed using the Woodland and Wildlife Habitat Conservation Priorities, as outlined in Section 25-121(b)(1) of the WCO:

> **(1) The required locational priorities for consideration as woodland conservation are as follows in the order listed:**
>
> **(A) Green infrastructure network elements designated in the Countywide Green Infrastructure Plan and any subsequent updates, or within the designated green infrastructure networks in master or sector plans.**
>
> **(B) Critical habitat areas.**
>
> **(C) Contiguous wooded areas with high structural and species diversity; few nonnative and invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat for forest interior dwelling plant, animal, and bird species.**
>
> **(D) Champion trees designated by the United States, the State of Maryland, the County or municipalities.**
>
> **(E) Specimen trees and historic trees.**
>
> **(F) Forest Legacy Areas as defined by the state.**
>
> **(G) Trees that are within the environmental setting of a historic site or associated with a historic resource.**

Based on these priorities and the uniqueness of the property siting, Specimen Trees ST-3 through ST-6 were found to be located on the developable portion of the site, and in areas necessary to meet the state and county infrastructure requirements.

The removal of these trees will allow for the development of the site that is both significant and reasonable through the creation of parking areas and roads needed for access and circulation within the site, and for the construction of a recreational area.

The specimen trees requested for removal also allow for protection of woodlands with the highest priority, as listed in Section 25-121(b)(1), to be protected to the maximum extent practicable, and allow for the development of this site to occur in the lower priority areas of the site. Requiring the applicant to retain the four specimen trees on-site by designing the development to avoid impacts to the critical root zone would further limit the area of the site available for orderly development that is consistent with the existing zoning, to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. The applicant seeks to develop the property in accordance with an allowable use as prescribed in the prior Zoning Ordinance. The development of property, in accordance with the Zoning Ordinance, is a right commonly enjoyed by others in similar areas.

Based on the location and species of the specimen trees proposed for removal, retaining the trees, and avoiding disturbance to the critical root zone of Specimen Trees ST-3 through ST-6, would have a considerable impact on the development potential of the property. As a result, enforcement of these rules would deprive the applicant of a right commonly enjoyed by others.

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

Not granting the variance to remove Specimen Trees ST-3 through ST-6 would prevent the project from being developed in a functional and efficient manner like other developments of similar size and use. The granting of the variance is not a special privilege that would be denied to other applicants. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site-specific conditions. Other similar developments featuring specimen trees in similar conditions and locations have been subject to the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. The removal of four specimen trees would be the result of the infrastructure and grading required for the development of this project as proposed by the applicant. The request to remove the trees is solely based on the tree's location on the site.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Staff find that the required findings of Section 25-119(d) are adequately addressed for the removal of Specimen Trees ST-3 through ST-6. Staff recommend that the Planning Board approve the requested variance for the removal of these four specimen trees for the construction of a church campus.

Soils

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex. Neither Marlboro clay nor Christiana clays occur on or in the vicinity of this site.

Based on the preceding findings, staff find that the PPS conforms to the relevant environmental policies of the master plan and the GI Plan, and the relevant environmental requirements of prior Subtitle 24 and Subtitle 25, with the recommended conditions of approval.

11. Urban Design—The two uses proposed for this property are permitted in the R-E Zone, by right, per Section 27-441 of the prior Zoning Ordinance. A detailed site plan is not required.

The regulations and requirements of the prior Zoning Ordinance apply to development within the R-E Zone regarding landscaping, buffering, screening, fencing, and other bulk regulations such as building setbacks. These will be evaluated at the time of permit review. The proposed lots and parcels meet the minimum size and frontage requirements of the R-E Zone. In addition, the proposed residential lots are sufficiently set back from the existing cell tower, pursuant to Section 27-445.04(a)(3)(B) of the prior Zoning Ordinance. The tower monopole is 101 feet tall according to information provided with Permit 5834-2014-01, approved in April 2014.

2010 Prince George's County Landscape Manual

The proposed development is subject to the requirements of the Landscape Manual. Regarding Section 4.6 of the Landscape Manual, Mount Oak Road is classified as an arterial road, which requires a minimum 50-foot-wide buffer between residential development and the street. The PPS shows the required buffer width along Mount Oak Road, for the purpose of showing that Lots 5, 6, and Parcel A will have sufficient room for the development proposed on them when accounting for the buffer width. Conformance with the buffer requirements will be evaluated at the time of permitting.

Section 4.7 of the Landscape Manual requires a 50-foot-wide Type E bufferyard along the southern property line, where the property adjoins the Mullikin's Delight historic site. The PPS shows a 25-foot-wide bufferyard in this location, proposing that a 6-foot-high opaque fence be used to reduce the required buffer width by 50 percent. However, the Landscape Manual does not permit the bufferyard width to be reduced by an opaque fence in the Developing Tier of the 2002 *Prince George's County Approved General Plan*. The applicant provided an exhibit showing how the required 50-foot buffer width can be provided, as discussed further in the Historic Preservation section of this technical staff report. Therefore, the 25-foot-wide buffer shown on the PPS should be removed from the plan drawings. The other buffers and building restriction lines shown on Parcel 1 should also be removed from the PPS, as these are not approved with the PPS and will be determined at the time of permitting.

12. **Noise—**The property abuts Mount Oak Road, an arterial roadway. Therefore, the applicant is required to analyze whether any noise mitigation is needed for the subject property where residential lots are proposed. The applicant conducted a preliminary noise analysis with the PPS, based on the posted speed limit and the 2024 annual average daily traffic, along the segment of Mount Oak Road adjacent to this site. The analysis concluded that the roadway would not generate more than 65 A weighted decibels (dBA) day night average sound level (Ldn) at the road centerline. Staff, using the same information, found that the roadway would generate a 65 dBA/Ldn noise level approximately 57 feet from the centerline of the roadway, meaning that the noise contour would not extend onto the subject site.

However, the noise analysis completed by the applicant and staff is an approximation and does not meet the Prince George's County Planning Department's current standards for noise analysis. No noise study was provided with the PPS. In addition, the current standards require that noise must be mitigated to be no more than 65 dBA continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime, and 55 dBA during the nighttime. The 55 dBA/Leq nighttime noise contour will be further away from the noise generator than the 65 dBA/Ldn noise contour, and so the 55 dBA/Leq noise contour may extend onto the subject property. Private outdoor activity areas on Lots 5 and 6 are those most likely to be affected by this noise contour, though other lots may be affected as well.

The most recent noise standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, to ensure noise levels in dwelling unit interiors remain below the required level of 45 dBA, noise mitigation will be required for any dwellings units exposed to exterior noise levels above 65 dBA/Leq. This exposure may occur during the daytime or nighttime, and at the ground or upper levels. Mitigation may consist of upgraded building materials which reduce sound transmission from outside the dwellings.

To ensure that outdoor and indoor noise mitigation is achieved at the required levels, at the time of permitting, the applicant should submit a noise study based on the final site layout and building architecture for the residential lots. The study should demonstrate that outdoor activity areas on the residential lots will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The permit plans for the residential development should show the locations and details of any features provided for outdoor noise mitigation. The ground level mitigated 65 dBA/Leq noise contour, ground level mitigated 55 dBA/Leq noise contour, upper level mitigated 65 dBA/Leq noise contour, and upper level 55 dBA/Leq noise contour should be delineated on the permit plans, accounting for the locations of buildings and all noise barriers. In addition, at the time of the building permit for each residential building affected by noise levels above 65 dBA/Leq, the permit should include a certification by a professional engineer, with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the dwelling units to 45 dBA or less.

Section 24-121(a)(4)

Related to the noise requirements, Section 24-121(a)(4) of the prior Subdivision Regulations requires that residential lots adjacent to an arterial road shall be platted with a minimum lot depth of 150 feet. This requirement affects Lots 5 and 6. The PPS shows that these lots will be platted with the required minimum lot depth.

13. Community Feedback—A representative of the Avalon-Ellerslie community in Upper Marlboro contacted staff to request information about the project and to ask if they could observe the Subdivision and Development Review Committee (SDRC) meeting for the case. Staff gave the representative information about what topics would be covered at the SDRC meeting, instructions on how to join the meeting, and information about how big the church was anticipated to be in terms of square footage and number of seats. Staff also confirmed a traffic study was required for the development.

Staff received an additional inquiry from a stakeholder in the Bowie community, asking how to sign up to speak at the Planning Board hearing. The applicant was provided with instructions including a sign-up link and information on when speaker registration would become open.

At the time of the writing of this technical staff report, the Planning Department had not received any other correspondence from the community regarding this subject application.

14. Referral to Municipalities—The subject property is located within one mile of the municipal boundaries of the City of Bowie (City). The PPS application was referred to the City for review and comments on June 28, 2024. The Planning Department had not received any comments from the City at the time of the writing of this technical staff report.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:

a. Ensure the gross tract area is consistent between the PPS and Type 1 tree conservation plan.

b. Add a general note indicating approval of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for two points of direct access to Mount Oak Road.

c. Show a 5-foot-wide sidewalk and associated 10-foot-wide public use easement between the cul-de-sac of Dew Drive and the shared-use path along Mount Oak Road, next to the proposed 20-foot-wide Washington Suburban Sanitary Commission easement.

d. In the owner/applicant block, include the full business name of the applicant, "The Redeemed Christian Church of God (Victory Temple) Bowie, Maryland."

e. Add Tax Map 62, Grid E1 to General Note 2.

f. Revise General Note 6 so that the road dedication acreage, road vacation acreage, and net acreage are separate general notes. Specify a net acreage which is consistent with the gross acreage, due to the lack of floodplain on-site.

g. Under General Note 14, and in the Regulation Table, in the line for lot coverage, change "MIN." to "MAX."

h. In General Note 20, add the approval date of the stormwater management concept plan.

i. On the plan drawing, remove proposed landscape bufferyards and building restriction lines from Parcel 1.

j. On the plan drawing, correct the labels for off-site Lots 2 and 3 of the Preserve at Woodmore Estates subdivision so they are not duplicating the label for Lot 1 of that subdivision.

2. Development of this site shall be in conformance with Stormwater Management Concept Plan 32054-2024-SDC, once approved, and any subsequent revisions.

3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:

a. Grant 10-foot-wide public utility easements along the existing and proposed public rights-of-way, in accordance with the preliminary plan of subdivision.

b. Submit to the Maryland-National Capital Park and Planning Commission, for review and approval, a draft Declaration of Restrictive Covenants and/or easement for the sidewalk between the cul-de-sac of Dew Drive and Mount Oak Road. The limits of the public use easement shall be reflected on the final plat, consistent with the approved preliminary plan of subdivision. Prior to recordation of the final plat, the Declaration of Restrictive Covenants and/or easement shall be recorded in the

Prince George's County Land Records, and the book/page of the document shall be indicated on the final plat(s) with the limits of the easement. The easement or covenant shall not be required if the permitting agency, with written correspondence, indicates that no shared-use path or other pedestrian walkway will be required along Mount Oak Road.

c. Include a note on the final plat for Parcel 1 indicating approval of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for two points of direct access to Mount Oak Road.

d. Dedicate the rights-of-way along the property's street frontages of Mount Oak Road and Church Road, consistent with the approved preliminary plan of subdivision.

e. Dedicate the right-of-way for Dew Drive consistent with the approved preliminary plan of subdivision.

4. Prior to approval of the final plat of subdivision for residential development, in accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication for Lots 1–4, 7, and 8.

5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-022-2024). 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 (TCP1-022-2024 or most recent revision), 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 (WCO). 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."

6. Prior to the issuance of permits for this project, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

> "This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved."

7. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved stormwater management concept plan and letter associated with this site shall be submitted, and the facilities shall be correctly reflected on the Type 1 tree conservation plan.

8. Prior to approval of the Type 2 tree conservation plan, the plan shall include methodology for planting to protect the forest edge.

9. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:

   a. Add the following note below the specimen tree table:

      "This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-3, ST-4, ST-5, and ST-6."

   b. Have the plans signed and dated by the qualified professional who prepared them.

   c. Ensure the gross tract area is consistent between the PPS and TCP1.

   d. Remove the proposed natural regeneration and woodland reforestation/afforestation out of the public utility easement and update the worksheet.

10. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan,* the applicant and the applicant's heirs, successors, and/or assignees shall provide the following improvements, and shall show the improvements on the permit plans prior to approval of building permits:

   a. Ten-foot-wide shared-use paths along the property frontages of Mount Oak Road and Church Road, unless modified by the permitting agency with written correspondence.

   b. A minimum 5-foot-wide sidewalk along both sides of Dew Drive, unless modified by the permitting agency with written correspondence.

   c. Direct pedestrian pathways connecting from the roadway frontages to the internal parking and building entrances.

   d. Crosswalks and Americans with Disabilities Act-compliant curb ramps across all site access points and throughout the site.

   e. Short-term bicycle parking at locations convenient to all the building entrances on Parcel 1.

   f. A 5-foot-wide sidewalk with an associated 10-foot-wide easement between Dew Drive and Mount Oak Road, unless the requirement for a 10-foot-wide shared-use path along the frontage of Mount Oak Road is modified by the permitting agency, with written correspondence, so that no shared-use path or other pedestrian walkway is required along the frontage of Mount Oak Road.

11. Prior to approval of a final plat of subdivision for the residential development, the applicant shall obtain approval to vacate portions of the existing Mount Oak Road right-of-way, in accordance with the approved preliminary plan of subdivision.

12. Prior to approval of building permits for residential development, the applicant shall submit a noise study based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The permit plans shall show the locations and details of features provided for outdoor noise mitigation. The ground-level mitigated 65 dBA/Leq noise contour, ground-level mitigated 55 dBA/Leq noise contour, upper-level mitigated 65 dBA/Leq noise contour, and upper-level 55 dBA/Leq noise contour shall be delineated on the permit plans, accounting for the locations of buildings and all noise barriers. The permit plans shall identify all dwelling units affected by noise levels exceeding 65 dBA/Leq.

13. Prior to approval of a building permit for any dwelling unit affected by noise levels exceeding 65 dBA/Leq, a certification by a professional engineer, with competency in acoustical analysis, shall be placed on the architectural drawings included with the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.

14. Prior to approval of a final plat of subdivision for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Board, are included. The Book/page of the declaration of covenants shall be noted on the final plat prior to recordation.

15. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to a homeowners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

    a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.

    b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

    c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.

    d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.

e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.

f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-23041
- Approval of Type 1 Tree Conservation Plan TCP1-022-2024
- Approval of a Variation from Section 24-121(a)(3)
- Approval of a Variance to Section 25-122(b)(1)(G)