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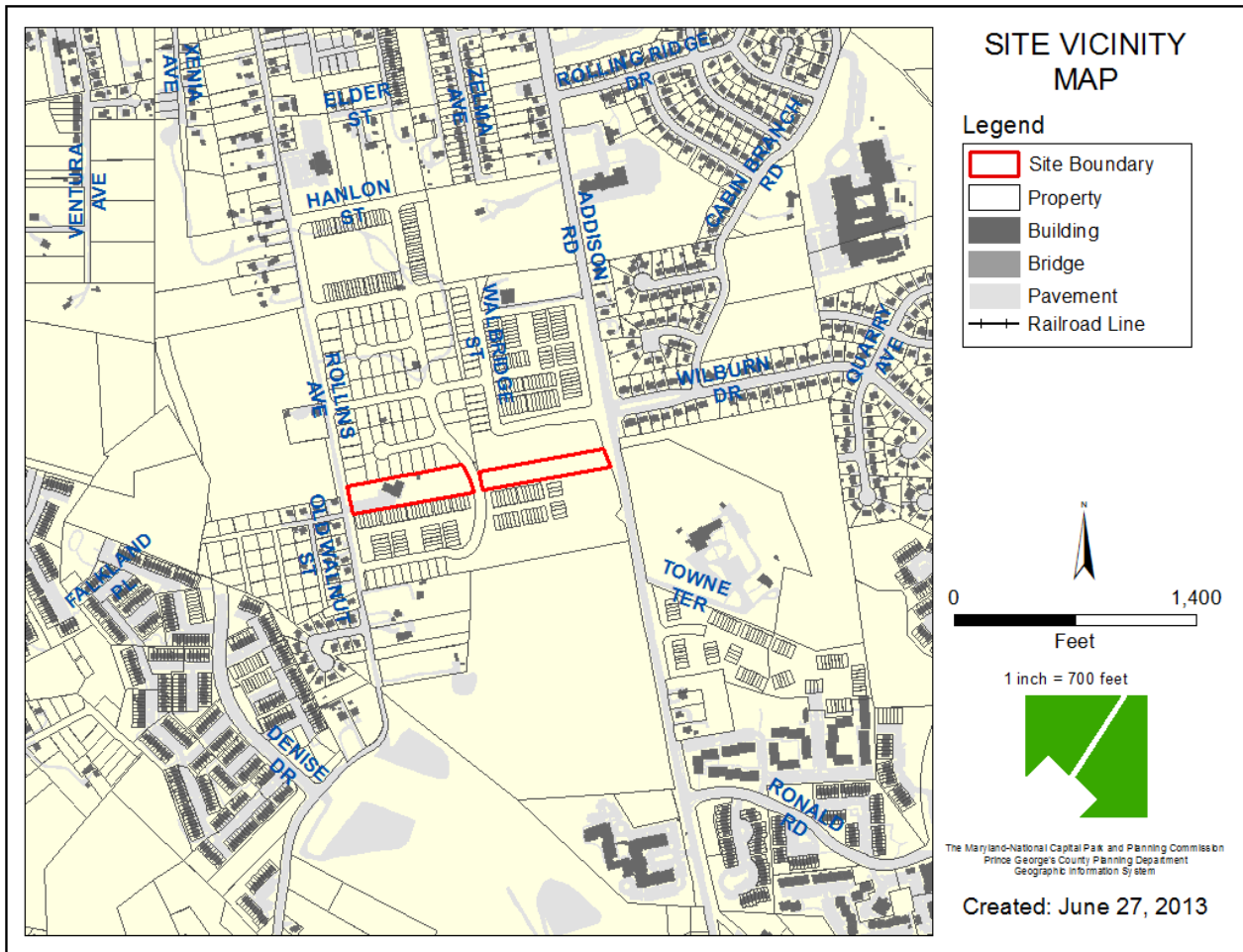
Detailed Site Plan

DSP-06003-01

Application	General Data	
Project Name: New Born Church of God Location: On the east side of Rollins Avenue opposite its intersection of District Avenue. Applicant/Address: New Born Church of God & True Holiness, Inc. P O Box 31426 Capitol Heights, MD 20743	Planning Board Hearing Date:	07/18/13
	Staff Report Date:	07/03/13
	Date Accepted:	08/08/12
	Planning Board Action Limit:	Waived
	Plan Acreage:	4.65
	Zone:	R-T/D-D-O
	Dwelling Units:	N/A
	Gross Floor Area:	6,064 sq. ft.
	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District	18
	Municipality:	N/A
	200-Scale Base Map:	202SE06

Purpose of Application	Notice Dates	
Grading of the rear of an existing site improved with an existing 6,064-square-foot church with an existing 20-child day care use. A Variance Request from Section 25-122(b)(1)(G) for the removal of one specimen tree.	Informational Mailing:	12/13/11
	Acceptance Mailing:	07/31/12
	Sign Posting Deadline:	06/18/12

Staff Recommendation		Staff Reviewer: Meika Fields Phone Number: 301-780-2458 E-mail: Meika.Fields@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-06003-01
Type 2 Tree Conservation Plan TCP2-032-12
New Born Church of God

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the Recommendation section of this report.

EVALUATION

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* development district standards.
- b. The requirements of the Zoning Ordinance in the Townhouse (R-T) and Development District Overlay (D-D-O) Zones:
 - (1) Section 27-441 which governs permitted uses in residential zones.
 - (2) Section 27-548.25 which contains requirements for approval of sites in Development District Overlay zones.
- c. The requirements of Detailed Site Plan DSP-06003.
- d. The requirements of Preliminary Plan of Subdivision 4-05024.
- e. The requirements of the 2010 *Prince George's County Landscape Manual*.
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- g. The requirements of the Tree Canopy Coverage Ordinance.
- h. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application requests approval to grade the rear of the site (Lot 1). This is approximately the eastern half of the portion of the property between Rollins Avenue and Victorianna Drive. The site is improved with an existing 6,064-square-foot church with an existing 20-child day care use. The detailed site plan (DSP) also includes the area of Lot 156, which is to remain wooded and undeveloped.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-T/D-D-O	R-T/D-D-O
Use(s)	Church and Day Care	Church and Day Care
Acreage	4.65	4.65
Square Footage/GFA	6,064	6,064

Other Development Data:

Parking Required

	REQUIRED	PROPOSED
Parking spaces for a 170 seat church (1 space per 4 seats) and 20 child day care (1 space per 8 children)	46 spaces	46 spaces (30 standard) (16 compact) (2 ADA including 1 van)
Loading	0	0

There is no modification to the existing site data and parking requirements on the subject site.

3. **Location:** The subject property is located in Planning Area 75A, within Council District 7, at 810 Rollins Avenue.
4. **Surrounding Uses:** The subject property is bounded to the north by R-55 (One-Family Detached Residential) and M-U-I-zoned (Mixed Use–Infill) properties that are currently under construction for residential uses. To the east is the Addison Road right-of-way. To the south is a developing residential subdivision in the M-U-I Zone. To the west is Rollins Avenue and across Rollins Avenue is land owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and single-family detached housing. Victorianna Drive separates Lot 1 from Lot 156 of the subject property.
5. **Previous Approvals:** Previously approved plans demonstrate that the church first occupied this building in 1966. On September 7, 2006, the Planning Board adopted an approval for Detailed Site Plan DSP-06003, Stable Foundation Day Care Center, which proposed a day care center for 20 children on the subject church site (PGCPB Resolution No. 06-179). That day care use remains in operation, and the subject application does not propose modification of the day care

enrollment or play area location. On June 21, 2007, the Planning Board adopted an approval for Preliminary Plan of Subdivision 4-06134, New Born Church of God, which proposed Parcel 1 and Outlot A for a 19,214-square-foot church building and a day care facility with a maximum capacity for 20 students (PGCPB Resolution No. 07-118).

6. **Design Features:** The subject site is accessed from Rollins Avenue. A surface parking lot with 46 spaces exists in the front of the property. The day care center is located within the existing church building, and the play area is located away from the street line and is tucked into an angle created by the building on the north side. An existing four-foot-high aluminum fence with two gates encloses the play area.

No changes to the existing church building, day care play area, or surface parking lot are proposed.

With the subject application, the applicant proposes to reduce the grade of the land at the rear of the church building on Lot 1. There are a few topographic factors that influence the filing of this request. The existing finished floor elevation (FFE) of the church building varies from 222.88 feet to 226.91 feet. The property comes to a high point behind the church building at an elevation of 238.82 feet, which indicates a grade change of approximately 16 feet from the front of the church building to the area behind the building in the middle of Lot 1. The site plan shows a reduction in the site's high point from 238.82 feet to 226 feet. The proposed grading will allow the applicant to create a more level site to accommodate a future building expansion.

The church is bordered on three sides by recent and ongoing construction activities. The property to the north is owned by Beazer Homes and is a part of Brighten Place subdivision. This property was the subject of Detailed Site Plan DSP-04082, which was approved by the District Council on June 11, 2007. Single-family homes are proposed to be constructed abutting the church property to the north. Victorianna Drive located east of Lot 1 is partially constructed. The property to the south is owned by Addison Investments and is a part of Addison Road South subdivision. This property was the subject of Detailed Site Plan DSP-05072 (PGCPB Resolution No. 06-94), which was approved by the Planning Board on April 20, 2006. Townhouses are proposed to be constructed abutting the church property to the south. These adjacent sites have already been partially graded, and the new grades leave the church at a high point between the developing properties. The church would like to have this condition corrected.

Due to the number of ongoing adjacent construction activities, the church has the opportunity to grade the subject site at an advantageous time and at an affordable rate. In the near future, the applicant proposes to revise the subject limited DSP with a full DSP for the proposed building addition. The subject application was originally filed as a full DSP for the building addition; however, in light of some of the referral comments, the applicant indicated that they would need additional time to address the recommendations, and requested a reduction in the scope of the plan review in order to begin grading activities on the site this year.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity Development District Standards:** The *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (ARM Town Center Sector Plan and SMA) sets out four primary goals or purposes. These four goals emphasize the need for revitalization of the area and the need to accommodate the users of the

Metro station and pedestrians. The development district standards were written as design criteria to implement these goals. The sector plan summary states the following purposes:

The chief single purpose of the sector plan is to maximize the public benefits from the Addison Road Metro Station. Built on a widened and improved Central Avenue, the Addison Road station represents years of transportation planning and construction and millions of dollars of public investment. The station connects the ARM Town Center to the many employment, shopping, recreation, and business opportunities available to users of the Washington Metro system.

The sector plan sets out four primary goals:

- **First, revitalizing the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization to attract new business and residents.**
- **Second, promoting transit-oriented development near the Metro station. Transit-oriented development serves Metro users, not the automobile.**
- **Third, promoting pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station; and**
- **Fourth, compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses.**

The subject property is within the Development District Overlay (D-D-O) Zone established in the ARM Town Center Sector Plan. The sector plan requires that new development within the district comply with the approved standards. The subject plan proposes grading only, and is not at odds with the goals identified in the sector plan. Conformance with the development district standards contained in the ARM Town Center Sector Plan should be addressed at the time of full DSP for the building addition.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the Townhouse (R-T) and Development District Overlay (D-D-O) Zones and the site plan design guidelines of the Zoning Ordinance.

- a. Section 27-441, Table of Uses, governs permitted uses in residential zones. Churches on lots over one acre in size are permitted uses in the R-T Zone. The Zoning Ordinance permits day care centers accessory to churches in the R-T Zone subject to Section 27-445.03 and DSP review. A DSP was previously approved for the existing day care center (DSP-06003).

The subject application is also governed by the applicable use table of the ARM Town Center Sector Plan. The proposed uses are also permitted in the ARM Sector Plan.

- b. The applicant proposes to reduce the grade in the highest portion of the site, at the rear of the existing church building. Section 27-274(a)(7)(A) of the Zoning Ordinance provides site design guidance on grading, as follows:

(7) Grading

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:

- (i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;**

Comment: The subject application complies with this requirement. The reduction in grade at the rear of the church building will not affect the views from Rollins Avenue or Addison Road. Slopes viewed from Victorianna Drive will be gradual. While the proposed slopes at the rear of the site are rather uniform, once a DSP is submitted for the building addition, the grading plan will be revised to provide more variety in landform to accommodate the proposed development.

- (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;**

Comment: Excessive grading is not proposed. The proposed grading will create a more natural transition between the subject site and the adjacent properties, which have been graded to a lower elevation.

- (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;**

Comment: Incompatible land uses will be buffered through landscaping. Landscape buffers have been previously approved on adjacent properties and will be provided upon construction of the adjacent single-family residences. Additional required buffers for the church will be evaluated at the time of DSP for the building addition.

- (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and**

Comment: Steep slopes are not proposed.

- (v) **Drainage devices should be located and designed so as to minimize the view from public areas.**

Comment: The subject application complies with this requirement. No highly visible drainage devices are proposed.

- c. Section 27-548.25(b), Site Plan Approval, gives the following additional considerations for sites in development districts:

- (b) **In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**

Comment: The subject plan proposes grading only. Conformance with the development district standards contained in the ARM Town Center Sector Plan should be addressed at the time of full DSP for the building addition.

9. **Detailed Site Plan DSP-06003:** Lot 1 is the subject of Detailed Site Plan DSP-06003 for Stable Foundation Day Care Center, which approved the existing 20-child day care use accessory to the existing church, which was approved for 170 seats. The DSP should be revised to indicate 170 seats in the existing church. The resolution of approval was adopted by the Planning Board on September 7, 2006 (PGCPB No. 06-179). The resolution contains one condition in **[bold text]** which relates to the review of this application:

Prior to signature approval of the proposed detailed site plan a note shall be added to the plans indicating that no more than 50 percent of the children can use the play area at any one time, and a shade tree adjacent to the play area shall be provided.

Comment: Detailed Site Plan DSP-06003 was certified in accordance with this condition. A review of aerial imagery indicates that a shade tree adjacent to the play area has not been provided. The plan should be revised to indicate provision of a shade tree adjacent to the play area.

10. **Preliminary Plan of Subdivision 4-05024:** Lot 1 is the subject of Preliminary Plan of Subdivision 4-05024. Preliminary Plan 4-05024 for New Born Church of God was approved and the resolution was adopted by the Planning Board on June 21, 2007 (PGCPB No. 07-118). The resolution for the approved preliminary plan contains eleven conditions and the following conditions in **[bold text]** relate to the review of this application:

1. **Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

Comment: No residential development is being proposed with this DSP.

2. **The applicant and the applicant's heirs, successors and/or assignees shall provide an eight-foot-wide sidewalk along the subject site's entire frontage on Rollins Avenue, unless modified by DPW&T.**

Comment: This condition remains in effect.

3. **The applicant and the applicant's heirs, successors and/or assignees shall provide the five-foot-wide sidewalk connection from Rollins Avenue to the proposed church addition as shown on the submitted preliminary plan of subdivision.**

Comment: This condition remains in effect. Conformance to this condition should be addressed at the time of full DSP for the building addition.

4. **The applicant and the applicant's heirs, successors and/or assignees shall provide a five-foot-wide sidewalk connection from future Victorianna Drive to the eastern-most parking lot.**

Comment: This condition remains in effect. Conformance to this condition should be addressed at the time of full DSP for the building addition.

5. **Total development within the subject property shall be limited to total of 19,214 GSF church building with maximum seating capacity of 354 seats, and a daycare facility with a maximum capacity of 20 students, or equivalent development which generates no more than 27 vehicle trips (14 in, and 13out) during the any weekday peak hour and 331 vehicle trips (172 in and 159 out) during any Sunday peak hour. Any development generating an impact greater than that identified herein above, shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Comment: Conformance to this condition should be addressed at the time of full DSP for the building addition.

6. **Rollins Avenue at proposed Site Access: Prior to the issuance of any building permits within the subject property, provision of a left-turn lane along southbound Rollins Avenue per DPW&T standards shall (a) have full financial assurances, (b) have been permitted for construction by DPW&T, and (c) have an agreed-upon timetable for construction with DPW&T.**

Comment: This condition remains in effect.

7. **Rollins Avenue at Central Avenue (MD 332) and Yeomen Place: Prior to the issuance of any building permits the applicant shall submit an acceptable traffic signal warrant study to DPW&T and, if necessary, SHA for a possible traffic signal at this intersection. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as indicated above, as well as existing traffic at the direction of DPW&T, and Maryland State Highway Administration (SHA). If the signal is deemed warranted by DPW&T and/or SHA at that time, the applicant shall bond the entire cost of signal and agree to install it at a time when directed by either operating agency.**

Comment: This condition remains in effect.

8. **Development of this site shall be in conformance with Stormwater Management Concept Plan 10853-2005-00 and any subsequent revisions.**

Comment: A note to this effect should be placed on the DSP.

9. **A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan of subdivision that requires that the structures are to be razed and the well and septic systems must be properly abandoned before the release of the grading permit.**

Comment: This condition remains in effect.

10. **Prior to raze permit approval the two abandoned shallow wells found within the confines of the above-referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.**

Comment: This condition remains in effect.

11. **Prior to the issuance of building permits, the abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place in accordance with COMAR 26.04.04 and witnessed by a representative of the Health Department.**

Comment: This condition remains in effect.

11. **The Prince George's County Landscape Manual:** The site is not subject to Sections 4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 4.9, or 4.10 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the proposal does not involve a change of use from a lower to a higher intensity use category, an increase in impervious surface, or an increase in any building's gross floor area (GFA). When the DSP for the building addition is proposed, the site will be evaluated for compliance with the applicable section of the Landscape Manual.

The plan should continue to demonstrate conformance to the requirements of the previously approved landscape plan. Prior to signature approval, the plan should be revised to indicate the required shade trees within the parking lot and adjacent to the play area.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The subject application proposes to clear 0.83 acre on Lot 1 and 0.40 acre on Lot 156 for infrastructure and rough grading. A Type 2 Tree Conservation Plan (TCP2-032-12) was submitted with the review package. The application proposes the removal of one specimen tree.

- a. **Type 2 Tree Conservation Plan TCP2-032-12**—This plan shows the remaining woodland on Lot 1 between Rollins Avenue and Victorianna Drive as being cleared and a small area on Lot 156 to the east of Victorianna Drive for a stormwater management outfall being cleared.

The overall site has a woodland conservation threshold of 0.93 acre and a total requirement of 1.14 acres based on the proposed clearing. The plan proposes to meet the requirement with 1.89 acres of woodland preservation.

Several technical revisions are required. The plan shows Type 1 tree conservation (TCP1) notes. Remove the TCP1 notes and only show TCP2 notes on the plan. It is not necessary to duplicate the notes on each sheet. The plan does not show a legible symbol for the limit of disturbance (LOD). Revise the plan to show the LOD on the plan in accordance with the symbol provided in the Environmental Technical Manual (ETM) and provide the symbol in the legend. Remove the forest sample points and steep slope symbols from the plan and legend. These symbols are not required on a TCP2. Show all symbols in accordance with the symbols provided in the ETM.

The primary management area (PMA) is incorrectly shown on the off-site portion of Sheet 2 (Parcel E). Revise the plan to correctly show the PMA in accordance with the approved natural resources inventory (NRI). The treeline symbol around the area of the existing outfall is shown backwards and appears to give the impression that the area of the outfall is wooded. Revise the symbol to reflect the correct location of the existing woodland.

The proposed woodland preservation area is not identified on the plan. Revise the plan to identify all woodland conservation areas on the plan using the symbols in the ETM. Remove the symbol for woodland clearing. The LOD will indicate the area of on-site clearing. Revise the plan and legend to identify the area of off-site clearing. Show the north arrow on both sheets outside of the plan area.

The plan shows an outfall extending from the east side of Lot 1, across Victorianna Drive, and onto Lot 156; however, there is no associated stormwater management facility or stormdrain for the outfall. Remove the outfall and associated clearing from the plan or show the proposed stormwater management facility for the outfall. Show the soils table on the plan. The plan shows a table labeled “Specimen Tree Chart”; however, the table does not provide any information regarding specimen trees. Show the specimen tree table in accordance with the ETM.

Several other revisions are required as provided in the Recommendation section of this report.

Prior to signature approval of the TCP2 for this property, pursuant to Section 25-122(d)(1)(B) of the WCO, all woodland preserved, planted, or regenerated on-site should be placed in a woodland conservation easement recorded in land records and the liber/folio of the easement shall be indicated on the TCP2.

- b. **Regulated Environmental Features**—Wetlands, streams, and steep slopes are found to occur on Lot 156. These features and the associated buffers comprise the PMA on the subject property in accordance with Subdivision Regulations. Subdivision Regulations require that “...all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible.” (Section 24-130(b)(5))

Impacts to regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to,

adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features.

Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/or minimized. A statement of justification dated June 19, 2013 for the proposed impacts was stamped as received by the Environmental Planning Section on June 20, 2013. No alternative analysis was provided showing a reduction in impact areas. This impact is for a stormwater outfall; however, no pond associated with the outfall is shown nor is grading for a pond or stormwater management facility proposed. Either show the proposed stormwater management facility associated with the outfall structure, or remove the outfall and impact from the plan. If a pond is proposed for the outfall, staff supports the impact because it is necessary to convey stormwater to the stream. There will be 787 square feet of woodland clearing within the PMA for the impact. This impact will only affect steep slopes adjacent to a non-tidal wetland area and its associated buffer. An exhibit for the PMA impact area was submitted. The statement of justification did provide detail for the impact. The justification statement states that the impacts are shown on a TCP1 and not a TCP2. This request should be revised to say the correct TCP2 number.

- c. **Variance from Section 25-122(b)(1)(G)**—Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted Woodland and Wildlife Habitat Conservation Ordinance (WCO) effective on September 1, 2010.

Type 2 tree conservation plan (TCP2) applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the WCO) provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of Code of Maryland Regulations (COMAR). An application for a

variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance Application and a statement of justification in support of a variance were stamped as received by the Environmental Planning Section on June 24, 2013.

A specimen tree table should be added on the TCP2 to show the removal of one on-site specimen tree. The TCP2 shows the grading on the plan that shows that this tree is to be removed.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the removal of the specimen tree.

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

Comment: The property is a narrow shape and has an existing church facility that is proposed to remain. The side yard and building setbacks of the site and the existing structure leave a narrow proposed development area. The specimen tree is located 60 feet from the existing structure on steep slopes. The site has an approved Preliminary Plan, 4-05024, which shows the existing conditions of the site (approved 2007) and a previously approved Stormwater Management Concept Plan (30337-2004) for the site showing the site completely graded with stormwater management facilities and one specimen tree being removed (approved 2005). The applicant proposes to rough grade the site for the proposed building expansion. According to the preliminary plan, the specimen tree is located where the building expansion will occur on-site. The site constraint limits the developable area of the property.

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

Comment: The building and associated parking that is necessary could not be expanded as designed if other constrained properties encounter trees in similar locations on a site. The same considerations would be provided during the review of the required variance application.

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

Comment: If other constrained properties encountered trees in similar locations on a site, the same considerations would be provided 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;

Comment: The applicant proposes to rough grade the site for future development. The existing conditions or circumstances are not the result of actions by the applicant because the applicant has taken no action on the subject property to date.

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

Comment: The request to remove the tree does not arise from any condition on a neighboring property. The applicant proposes to prepare the site for the proposed expansion of the existing church facility.

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

Comment: All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the county.

The project proposes to meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 30337-2004 through the use of environmental site design and the use of two on-site bioretention facilities and pay a fee of \$9,542. This approval letter has expired (May 7, 2013) and a new one should be reissued.

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree.

13. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. The Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage on properties that require a tree conservation plan or letter of exemption. Properties zoned R-T are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject property is 4.65 acres and includes Lots 1 and 156; therefore, 0.697 acre of tree canopy is required. Because the subject limited site plan proposes grading only in preparation for a future building addition, now is not the most appropriate time to evaluate the site for conformance with this requirement; nevertheless, 1.89 acres of on-site woodland conservation are indicated on the subject plan, which meets this requirement. At the time of DSP for the building expansion, additional shade trees will be required on the site, and specifically on Lot 1 to meet the requirements of the Landscape Manual. These additional trees will further contribute to the tree canopy coverage on the site.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning Division**—In a memorandum dated October 4, 2012, the Community Planning Division stated that the application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developed Tier; conforms to the land use recommendations of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*; and conforms to the land use recommendations of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* for institutional/public/quasi-public uses.

Comment: The building addition for the church is not proposed at this time. Conformance with the development district standards contained in the ARM Town Center Sector Plan should be addressed at the time of full DSP for the building addition.

- b. **Environmental Planning Section**—In a referral dated June 26, 2013, the Environmental Planning Section provided the following comments on the subject site plan revision:

- (1) This subject site is currently zoned R-T and is located on two parcels. Lot 1 is located on the west side of Victorianna Drive and Parcel 156 is located on the east side of Victorianna Drive, both approximately 300 feet south of its intersection with Flemington Court. Lot 1 also has frontage on Rollins Avenue and Parcel 156 has frontage on Addison Road. A review of the available information indicates that wetlands, streams, and steep slopes exist on the subject property. Addison Road is classified as an arterial road which is generally regulated for transportation noise impacts. The soils found to occur according to the Web Soil Survey are in the Collington-Wist complex soil series. Collington-Wist complex soils are well drained and non-hydric. According to available information, Marlboro clay is not found to occur on this property. No letter was submitted to the Maryland Department of Natural Resources, Wildlife and Heritage Program, to determine if rare, threatened, or endangered species are known to occur in the vicinity of this property. There are no designated scenic or historic roads adjacent to this property. This property is located in the Lower Beaver Dam subwatershed of the Anacostia River basin and in the Developed Tier as reflected in the General Plan. The site contains regulated area, evaluation areas, and network gap associated with the *Approved Countywide Green Infrastructure Plan*.
- (2) The site has an approved Natural Resources Inventory, NRI-055-05. This site contains woodlands, a stream, wetlands, one specimen tree, steep slopes, PMA, and associated buffers. The forest stand delineation states that the project area has one stand of woodlands totaling 2.73 acres. The NRI correctly shows the existing conditions of the site.
- (3) A copy of the approved Stormwater Management Concept Plan (30337-2004-01) dated June 23, 2011 was submitted with the subject application. This approval has expired (May 7, 2013) and a new approval letter should be re-issued by the Department of Public Works and Transportation (DPW&T). The submitted concept plan appears to show the future development of the site with all stormwater to be directed to two bioretention filter ponds that is ultimately conveyed through a culvert pipe to an adjacent intermittent stream system. According to the approval letter, water quantity and quality control on-site are not met and a fee is required. Copies of the approved concept letter and plan must be submitted prior to signature approval.

- c. **Transportation Planning Section**—In a memorandum dated December 12, 2012, the Transportation Planning Section stated that the existing church was approved by Preliminary Plan 4-05024 (PGCPB Resolution No.07-118) in June 2007. Total development within the subject property was limited at that time to 19,214 square feet for a church building and a day care facility with a maximum capacity of 20 students, or equivalent development which generates no more than 27 vehicle trips during any weekday peak hour and 331 vehicle trips during any Sunday peak hour.

Comment: The subject limited DSP proposes no modification to the existing site access and no expansion. Conformance to the trip cap will be addressed at the time of full DSP for the building addition.

- d. **Trails**—In a memorandum dated December 12, 2012, the Transportation Planning Section provided analysis regarding the site plan’s conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*.

Comment: The analysis provided by the trails planner was based upon the review of the initial application, which was originally filed as a full DSP for the building addition. Later in the review, the application was reduced in scope and now proposes grading only. The recommendations for bike and pedestrian improvements should be addressed at the time of full DSP for the building addition.

- e. **Subdivision Review Section**—In a memorandum dated September 18, 2012, the Subdivision Review Section stated that Lot 1 and Outparcel B were recorded in Plat Book PM 224-97 on January 18, 2008 and is the subject of approved Preliminary Plan 4-05024. Parcel 156 is a deed parcel and has never been the subject of preliminary plan of subdivision.

Detailed Site Plan DSP-06003-01 is in substantial conformance with the approved Preliminary Plan, 4-05024, and record plat. Failure of the site plan and record plat to match will result in building permits being placed on hold until the plans are corrected.

- f. **Historic Preservation Section**—In memoranda dated August 7, 2012 and August 21, 2012, it was determined that the subject application will have no effect on identified historic sites, resources, or districts.

A Phase I archeological survey is also not recommended on the above-referenced 2.66-acre property located at 810 Rollins Avenue in Capitol Heights, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property belonged to the Morrison Family from the early to mid-twentieth century. John E. Morrison established a nursery on the subject property that extended to the north. John E. Morrison’s son, John B. Morrison, obtained title to the subject property in 1919 and continued to operate the nursery. John B. Morrison sold three acres of his land to the Maryland Park Christian Church in 1960. The present church building on the subject property was built in the early 1960s.

- g. **Permit Review Section**—In a memorandum dated September 6, 2012 (Gallagher to Fields), the Permit Review Section provided comments regarding the site plan. Many of the comments are no longer applicable to the revised limited DSP.

- h. **Prince George’s County Health Department**—In a memorandum dated August 31, 2012 (Wise to Fields), the Prince George’s County Health Department stated that the Environmental Engineering Program of the Health Department had completed a health impact assessment review of the subject DSP and had the following recommendations:

- (1) Upon completion of any proposed public sewer connection, the existing septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place.

Comment: This comment is a condition of approval of the preliminary plan of subdivision and remains valid.

- i. **Prince George's County Police Department**—The Prince George's County Police Department provided comments related to crime prevention through environmental design (CPTED) in a memorandum dated August 31, 2012. The analysis was based upon the review of the initial application, which was originally filed as a full DSP for the building addition. Later in the review, the application was reduced in scope and now proposes grading only. Many of the comments provided are not specifically relevant to the revised limited DSP for grading. The recommendations provided by the Police Department should be addressed at the time of full DSP for the building addition. Specifically, the applicant should consider locating any dumpsters close to the building inside an enclosure, which would allow limited access and offer better opportunities for surveillance.

- j. **The Department of Public Works and Transportation (DPW&T)**—In a referral dated August 30, 2012, DPW&T provided an evaluation of the subject proposal, summarized as follows:

- (1) The property is located east of the intersection of Rollins Avenue and District Avenue. The property has frontage along Rollins Avenue, Victorianna Drive, and Addison Road. The necessary rights-of-way exist along the Rollins Avenue frontage. The necessary rights-of-way for Addison Road and for a portion of Victorianna Drive are in the process of being acquired by deed by DPW&T.
- (2) Frontage improvements are required as outlined in the resolutions of approval.

Comment: Frontage improvements are triggered upon building permits. The subject applicant proposes grading only; therefore, frontage improvements will not be required at this time.

- (3) The site development has a Stormwater Management Concept Plan, 30337-2004, dated June 23, 2011.

Comment: The grading plan does not propose clearing and grading for development on Lot 156, which is consistent with the approved stormwater concept; however, the stormwater concept is now expired. Prior to signature approval of the plan, a valid stormwater concept or letter indicating exemption should be provided.

- k. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated August 31, 2012, WSSC provided an evaluation of the subject proposal, summarized as follows:

- (1) Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction, or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC.
- (2) Show and label all existing well and septic areas on property.

Comment: Some of the information provided in the WSSC referral is for informational purposes only. The applicant should revise the plan to indicate the location of any existing WSSC easements on the property. The site plan indicates that septic areas are located in the front of the church building and are not within the limit of disturbance for the proposed grading. The site plan should also label existing wells.

14. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the applicable site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the tree conservation plan submitted for review.

Prior to certification of the detailed site plan, the Type 2 tree conservation plan and detailed site plan should be revised to show proposed grading for the pond or remove the proposed outfall.

Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the delineated primary management area except for any approved impacts and should be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note should be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

16. Based on the foregoing and as required by Section 27-285(b)(3) of the Zoning Ordinance, the detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-06003-01, New Born Church of God, Type 2 Tree Conservation Plan TCP2-032-12, and a Variance Request from Section 25-122(b)(1)(G) for the removal of one specimen tree, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans for the project as follows or provide the information specified:
 - a. Show and label any existing wells on the property.
 - b. Indicate the location of any existing Washington Suburban Sanitary Commission (WSSC) easements on the property.
 - c. A valid stormwater concept or letter indicating exemption shall be provided.
 - d. The plan shall be revised to indicate the required shade trees within the parking lot and adjacent to the play area.
 - e. The site plan notes and parking data shall be revised to indicate that there are 170 seats in the existing church.
2. Prior to certification of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - a. Remove the Type 1 tree conservation plan (TCP1) notes and only show the TCP2 notes on the plan. Show the notes on only one sheet.
 - b. Revise the plan to show the limit of disturbance symbol on the plan in accordance with the Environmental Technical Manual (ETM) and provide the symbol in the legend.
 - c. Remove the forest sample points and steep slopes symbols from the plan and legend.
 - d. Show all symbols in accordance with the ETM.
 - e. Revise the plan to correctly show the primary management area in accordance with the approved natural resources inventory (NRI).
 - f. Revise the existing treeline symbol to reflect the correct location of the existing woodland.
 - g. Revise the plan to identify all applicable woodland conservation areas on the plan using the symbols in the ETM.
 - h. Remove the symbol for woodland clearing.
 - i. Show the north arrow on both sheets outside of the plan area.
 - j. Remove the proposed outfall and associated clearing from the plan or show the proposed stormwater management facility for the outfall.

- k. Show the soils table on the plan.
 - l. Show the specimen tree table in accordance with the ETM.
 - m. In the title block on both sheets, revise the title from “Tree Conservation Plan I” to “Type 2 Tree Conservation Plan Lots 1 and 156.”
 - n. Show all other symbols including, but not limited to, wetlands, wetland buffers, streams, and stream buffers in accordance with the ETM.
 - o. Remove Notes 1 and 2 on Sheet 2.
 - p. Show woodland preservation signs along the perimeter of the woodland preservation area 50 feet apart and provide a detail on the plan.
 - q. Show the tree preservation sign detail on the plan.
 - r. Show the ownership on Parcel 155 to the south of the site.
 - s. Revise the woodland limits on Parcels 154 and 155 approximately 100 feet off the property line.
 - t. Revise the approval block to read “TCP2-032-12.”
 - u. Revise the worksheet as necessary.
 - v. Have the revised TCP2 signed and dated by the qualified professional who prepared it.
3. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this property, pursuant to Section 25-122(d)(1)(B) of the Woodland and Wildlife Habitat Conservation Ordinance, all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement, recorded in land records, and the liber/folio of the easement shall be indicated on the TCP2.
 4. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
 5. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
 6. Prior to certification of the detailed site plan, copies of the stormwater management concept approval letter and plan shall be submitted. The concept shall be correctly reflected on all plans.