

R E S O L U T I O N

WHEREAS, Friends Community School is the owner of a 17.43-acre parcel of land known as Part of Parcels C and D, WWW 56@88, located on Tax Map 34 and Grid B-1, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned R0R; and

WHEREAS, on August 22, 2003, Friends Community School filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for one lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03085 for Friends Community School was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 29, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 29, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/48/00-01), and further APPROVED Preliminary Plan of Subdivision 4-03085, Friends Community School for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. TCPI/48/00-01 shall be revised as follows:
 - (1) General Notes 9 through 13 shall be relocated under the separate heading: Type I Tree Conservation Plan notes.
 - (2) The standard M-NCPPC signature approval block for a TCPI shall be provided and shall refer to TCPI/48/00-01.
 - (3) The plan shall be signed and dated by the qualified professional that prepared the plan.
 - b. The preliminary plan it shall be revised to:
 - (1) Show the full extent of the Waters of the U.S. and all required buffers.

- (2) A Stormwater Concept Approval Letter shall be submitted that states that the proposed method of stormwater management is through the use of bioretention facilities. If this is not the approved method, the TCPI shall be revised to provide limits of disturbance that accommodate the alternate method. The stormwater management facilities proposed shall not create impacts to the wetland buffers shown on the TCPI.

2. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/48/00-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

3. A Type II Tree Conservation Plan shall be approved at the time of detailed site plan.
4. Prior to the issuance of any county permits that impact jurisdictional 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.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area Preservation Area and shall be reviewed by the Environmental Planning Section prior to approval. In addition, the following note shall be placed on the plat:

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

6. Development of this site shall adhere to the conclusions and recommendations of the Subsurface Exploration and Geotechnical Report, dated February 14, 2001, prepared by Geotechnical Laboratories, Inc., and/or any other subsequent report approved by the Environmental Planning Section, M-NCPPC, or Permits and Review Division, DER.
7. Development of this site shall be in conformance with the approved stormwater concept plan, #19013-2003-00, or any approved revisions thereto.
8. The following note shall be placed on the final plat:

“An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince

George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”

9. Total development within the subject property shall be limited to a 200-student private school, or equivalent development which is permitted within the R-R Zone which generates no more than 184 AM and 40 PM peak hour vehicle trips. Any development that generates more than that identified herein shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
10. Prior to the issuance of grading permits, the applicant shall receive approval of a detailed site plan to ensure compatibility with the adjacent Westchester Park community.
11. Preliminary Plan 4-00070 is null and void.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located in the southeast quadrant of the Kenilworth Avenue (MD 201)/Westchester Park Drive intersection.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use	Vacant	Private School
Acreage	17.43	17.43
Parcels	1	1
Square-footage	0	24,300

4. **Environmental**—The site, totaling 17.43 acres in the R-R Zone, is located in the southeast quadrant of the Kenilworth Avenue (MD 201)/Westchester Park Drive intersection. No above-ground structures exist and there are a total of 9.66 acres of woodland at the site. Current air photos indicate that the majority of the site is open or lightly wooded with secondary growth. Nontidal wetlands occur in the northwestern portion of the property and are associated with Waters of the United States. There are two areas of isolated wetlands found at the site believed to be the result of the

former sand or gravel pit use. Kenilworth Avenue is located more than 400 feet to the west and is a transportation-related noise generator; however, due to the nonresidential use proposed, noise is not an issue with this application. Westchester Park, a community of townhomes and multifamily dwellings, is contiguous to the north. Greenbelt National Park encloses the property on all other sides. No historic or scenic roads are affected by this proposal. The soils found to occur include Gravel Pits and Iuka. The subject property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the adopted General Plan.

Woodland Conservation

A Forest Stand Delineation (FSD) was submitted with previous reviews on this property. The FSD had been accepted, so revisions are not required at this time.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. The woodland conservation threshold for this site is 20 percent, or 3.48 acres. An additional 0.67 acre is required due to clearing, for a total requirement of 4.15 acres. The plan as designed proposes to meet the requirement with a total of 4.15 acres of woodland preservation on-site.

To meet all the requirements of the Woodland Conservation Ordinance there are several minor revisions needed to TCPI/48/00-01. The standard TCPI notes contained on the plan have been combined under "General Notes." General Notes 9 through 13 are Type I Tree Conservation Plan notes and should be provided under that heading. The standard M-NCPPC signature approval block for a TCPI should be added to the plan. The plan should be prepared and dated and signed by a qualified professional.

Streams, Wetlands and Buffers

Nontidal wetlands and Waters of the U.S. are present on the site. The plans show the presence of a stream, labeled Waters of the U.S., that runs into the wetlands areas. The initial plan submittal did not show the full extent of the Waters of the U.S. and the required 50-foot-wide stream buffer. These required revisions to the TCPI have been addressed.

Nontidal wetlands and a stream are identified on the plan. In this instance the siting of the proposed school building is supported as shown on the revised TCPI, because other development scenarios are not possible, given the lot configuration and other site constraints. Consideration was also given to the fact that the proposed land use for a private school has less of an overall environmental impact to the site as compared to the original approved proposal for a 21-lot, single-family residential development. In addition, all the necessary federal and state permits for impacts to wetlands must be obtained. These federal and state permits should be on file with the Environmental Planning Section prior to the issuance of any county permits.

A variation request dated August 14, 2003, contains a request for an impact to one isolated wetland at

the southeast corner of the proposed school building. The impact to the isolated wetland represents a reasonable use of the property while avoiding impacts to the contiguous wetlands that surround the proposed building. The revised TCPI includes a detailed layout of the area of the contiguous wetlands and the provision of a wood split rail fence to be placed at the 25-foot-wide wetland buffer to provide a physical barrier between the contiguous wetlands and the proposed disturbance. Also, proposed limits of disturbance around the school building have been revised to provide for a minimum of 25 feet of cleared area around the building for construction access.

The variation request addresses the only impact proposed and is supported by staff. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

- A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- D. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The site is unique in configuration, and if the impact was not approved, it would constitute a hardship to the applicant because the wetlands on the site constrain the buildable areas significantly. In addition, approval of the impact by the Planning Board would not constitute a violation of any other ordinance because permits from state and federal agencies are required prior to the issuance of any county permit. The sensitive areas of the site will also be protected by a conservation easement to be established on the final plat.

According to a letter from the Maryland Department of Natural Resources Heritage Program staff, dated April 21, 2000, for the Jaeger Property proposal, there are no records for federal or state rare, threatened or endangered species being present at this site. However, the Wildlife and Heritage Division's Natural Heritage database indicates that there are recent or historical records for nine species of concern known to occur within one mile of the site, including forest interior-dwelling bird species. Interior forest areas in the vicinity of the site are located on the adjacent National Park Service property to the northeast. The current proposal for a private school use will not directly impact the existing interior forest areas based on the proposed grading and building location.

The soils series found to occur include Gravel Pits and Iuka. According to the Prince George's County Soil Survey, gravel pit soils are highly erodible. The proposed school building will be located in an area of the site where gravel pit soils are dominant. The recreation activity area is proposed where Iuka soils are dominant. Some steep slopes are in the Iuka soils at the northeast corner of the site; however, grading will not directly impact this area. During the review of 4-00070, a Subsurface Exploration and Geotechnical Engineering Report was required based on the presence of the gravel pit soils. The report was dated February 14, 2001, and was prepared by Geotechnical Laboratories, Inc., of Elkridge, Maryland. Conclusions and recommendations from the report include:

“Foremost, this study reveals that the subject site is not unsafe and not unsuitable for development. No adverse or potentially unsafe conditions (such as significant deposits of man-made waste or construction debris and/or concentrations of environmentally hazardous detrimental materials) were observed in the test borings or on the surface of the site. In addition, the results of the aforementioned field screening detected no significant magnitude of hydrocarbons in the soils encountered at the randomly selected and widely scattered boring locations.”

Limitations in the report were also explained:

“The conclusions and recommendations do not reflect variations in subsurface conditions which could exist intermediate of the boring locations or unexplored areas of the site. Should such variations become apparent during construction, it will be necessary to reevaluate our conclusions and recommendations based upon an on-site observation of the conditions.

“In the event that changes are made in the design or location of the structures, the recommendations presented in this report shall not be considered valid unless the changes are reviewed by our firm and conclusions of this report modified or verified in writing.”

The following condition was approved by the Planning Board as part of its approval of Preliminary Plan 4-00070. Staff recommends it be carried forward and applied to this application as well.

Development of this site shall adhere to the conclusions and recommendations of the Subsurface Exploration and Geotechnical Report, dated February 14, 2001, prepared by Geotechnical Laboratories, Inc., and/or any other subsequent report approved by

**the Environmental Planning Section, M-NCPPC, or Permits and Review Division,
DER.**

Bioretention, a method of low impact development (LID), is the proposed method of stormwater management, including a green roof on the school building. A green roof is designed to hold soil and plant materials to reduce or eliminate runoff. Proposed bioretention methods are shown on the TCPI. The revised TCPI shows proposed stormwater management methods to ensure that the limits of disturbance (LOD) include all areas of grading for stormwater management.

Water and Sewer Categories

The property is in Water Category W-3 and Sewer Category S-3, according to water and sewer maps obtained from the Department of Environmental Resources dated September 2002. It will be served by public systems.

5. **Community Planning**—The proposal for a private school conforms to the 1989 Approved Langley Park-College Park-Greenbelt Master Plan’s recommendation of residential uses for the subject property because private schools are recognized as permitted uses in residential zones. Therefore, the proposal will not impair the goals, guidelines, objectives, and concepts of the master plan.

The property is in Planning Area 67/Greenbelt. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The proposal is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 1989 Approved Langley Park-College Park-Greenbelt Master Plan recommends residential land use at a density of 5.8 to 7.9 dwelling units per acre. The 1990 Adopted Langley Park-College Park-Greenbelt Sectional Map Amendment (Planning Areas 65, 66 and 67) rezoned the property from R-P-C/R-R and R-H to R-R. The SMA recommends that the property be developed via the Comprehensive Design Zone/Residential Medium (CDZ/R-M).

The 1989 Approved Langley Park-College Park-Greenbelt Master Plan specifically recommends residential uses for the subject property. According to the plan text (page 72): “In the Westchester Park neighborhood, the plan recommends residential uses at CDZ, R-M, 5.8-7.9 du/acre for the 17.4-acre vacant parcel.” The rationales for this recommendation are to encourage better designs via a comprehensive design process, to decrease public costs, and to develop the site in a manner that is sensitive to the surrounding park and environmental constraints. The applicant proposes a private school instead of residential development for the subject property.

The master plan recommends that school facilities be used as social focal points in residential areas. According to the plan text (page 72, guideline 1): “Recreation areas, school facilities, and convenience centers should be designed to serve as social focal points in residential areas.” The proposed school can serve as a focal point because of its location near the gate to the Westchester Park development. The applicant should consider making the proposed school’s recreation activity field available for the

residents of the Westchester Park development to use.

6. **Parks and Recreation**—The subject subdivision is exempt from mandatory dedication requirements of Section 24-134(a) of the Subdivision Regulations because the proposed residentially zoned parcel is greater than one acre in size. In addition, no residential uses are proposed.
7. **Trails**—There are no master plan trails issues identified for this proposed subdivision.
8. **Transportation**— The applicant prepared a traffic impact study dated December 2003 and prepared in accordance with the methodologies in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the guidelines. The study was referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). SHA comments have been received and they are attached.

Growth Policy - Service Level Standards

The subject property is in the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersection of MD 201 and Westchester Park Drive is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The traffic study includes turning movement counts at the intersection taken by the applicant in October 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) B, with a critical lane volume (CLV) of 1,128, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,403.

There are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are several approved but unbuilt developments that would affect the intersection, including a large commercial development called Riverside involving lots that could contain up to 1,002,100 square feet of office space, and two smaller developments off of Westchester Park Drive:

Jaeger Property, 4-00036	37 multifamily residences
Jaeger Property, 4-00070	21 single-family residences

The traffic study has also included a two percent annual growth rate for through traffic along MD 201. With background growth added, the critical intersection would operate as follows: AM peak hour? LOS C, with a CLV of 1,260; PM peak hour? LOS E, with a CLV of 1,598.

With the development of a 200-student private school, the site would generate 184 AM (110 in and 74 out) and 40 PM (16 in and 24 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 30 percent? south along MD 201, and 70 percent? north along MD 201. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour? LOS C, with a CLV of 1,297; PM peak hour? LOS F with a CLV of 1,630.

The MD 201/Westchester Park Drive intersection operates unacceptably under total traffic. It should be noted, however, that the Riverside development, approved by the Planning Board as 4-89228, is far from being built out. This uncompleted development is the primary reason for the failure at the MD 201/Westchester Park Drive intersection under background and total traffic. Without the trips generated by Riverside, under background during the PM peak hour the critical intersection would operate at LOS D, with a CLV of 1,418; under total traffic it would operate at LOS D, with a CLV of 1,449. Furthermore, Riverside must widen the link of MD 201 through the critical intersection to six lanes in each direction prior to further development, per Condition 18 of PGCPB 90-42(A)(C). Because there the subject development does not create a need for the improvement and because the needed improvement must be constructed by the development that creates the need for the widening, the widening of MD 201 through the critical intersection will not be made a condition of development for the subject proposal.

SHA reviewed the traffic study and determined that there would be a need to widen the Westchester Park Drive approach to the critical intersection. Although the intersection was not deemed to fail, SHA justified the request by indicating that the cross streets did not line up properly and that adding an approach lane within the median of Westchester Park Drive would resolve this situation. These comments are useful, but the condition suggested by SHA will not be recommended for the following reasons:

- a. The critical intersection operates acceptably in both peak hours, and there is not a clear justification for the Planning Board to impose a condition.
- b. The cross streets on either side of MD 201 do not align well, but taking a lane from the median

to widen the westbound approach will not address the concern. A look at aerial photographs indicates that the eastbound approach from Pontiac Street is poorly aligned with eastbound Westchester Park Drive; the westbound approach is aligned much better.

- c. The existing median of Westchester Park Drive is well-landscaped, and widening the westbound approach into the median would remove most of the landscaping and entrance features. While this may be ultimately necessary with further development along Westchester Park Drive, it does not appear to be essential for the approval of the private school.

The site is not adjacent to or within any master plan transportation facilities.

Transportation Conclusions

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with a condition limiting development to that which generates no more than 184 AM and 40 PM peak-hour trips.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002). The proposed subdivision is exempt from adequacy test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Branchville Fire Station, Company 11, located at 4905 Branchville Road, has a service travel time of 4.67 minutes, which is beyond the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Berwyn Heights Fire Station, Company 14, located at 8811 60th Avenue, has a service travel time of 2.12 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at College Park Fire Station, Company 12, located at 8115 Baltimore Avenue, has a service travel time of 6.84 minutes, which is within the 7.25-minute travel time guideline.
 - d. The existing ladder truck service at Berwyn Heights Fire Station, Company 14, has a service travel time of 2.12 minutes, which is within the 4.25-minute travel time guideline.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed,

an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate. These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the travel area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Friends Community School development. This police facility will adequately serve the population generated by the proposed subdivision. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.
12. **Health Department**—The Health Department reviewed the application and offered no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #19013-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through September 16, 2006. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be included on the final plat.
16. **Design and Compatibility Issues**—As noted in Finding 3 of this report, Community Planning, the master plan includes Guideline 1 on page 72 that reads, "Recreation areas, school facilities, and convenience centers should be designed to serve as social focal points in residential areas." The Zoning Ordinance requires detailed site plans for private schools. This property will share its access with the Westchester Park community; in fact, it is at the entrance to that community. A detailed site plan examining compatibility issues should be required to ensure that the entrance to the community is not adversely impacted by the addition of this facility. Because there are no lotting issues to be addressed at the time of detailed site plan, the site plan need not be approved prior to final plat; approval prior to issuance of a grading permit is appropriate.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, January 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of February 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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