

R E S O L U T I O N

WHEREAS, Mt. Zion Pentecostal Church of Washington, D.C. is the owner of a 9.50-acre parcel of land known as Parcels 3, 53 and 54, Tax Map 41, Grid D-2 said property being in the 17th Election District of Prince George's County, Maryland, and being zoned R-35; and

WHEREAS, on May 10, 2004, Mt. Zion Pentecostal Church of Washington, D.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04089 for Mount Zion Pentecostal Church was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 7, 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 October 7, 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/62/02), and further APPROVED Preliminary Plan of Subdivision 4-04089, Mt. Zion Pentecostal Church of Washington, D.C. for Parcel A and a Variation from Section 24-121(A)(3) and 24-130 of the Subdivision Regulations with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To note the approved stormwater management concept plan number and approval date.
 - b. To reflect the correct zoning of the property (R-55 and R-35) in the general notes and label on the plan.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to the issuance of building permits the applicant shall submit evidence from the Health Department that the trash found on the site and in the stream has been removed and properly stored or discarded.

4. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department
5. Any existing building being served by private well and septic systems will be connected to the public systems upon availability or the applicant shall obtain a waiver from the Department of Environmental Resources, Programs and Planning.
6. Prior to signature approval of the preliminary plan the applicant shall submit a copy of the stormwater management concept approval letter and approved plan. Development of this site shall be in conformance with the approved plan and any subsequent revisions.
7. Prior to signature approval of the preliminary plan, a copy of the stormwater management concept approval letter and the associated plans shall be submitted to ensure compliance with TCPI.
8. Impacts to sensitive environmental features shall be limited to a minor area of impact for the placement of a stormwater management pond/outfall within the expanded stream buffer.
9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded buffer, except for areas of approved variations, 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.”
10. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. The final plat shall carry a note that access to this site is denied from 23rd Avenue, Rittenhouse Street, and 24th Street.

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 on the north side of Ager Road, approximately 2,500 feet from the intersection of East West Highway.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-55 (5.74 acres) R-35 (3.76 acres)	R-55 (5.74 acres) R-35 (3.76 acres)
Use(s)	SFD	Church
Acreage	9.50	9.50
Parcels	3	1

4. **Environmental**—The Environmental Planning Section has reviewed the Type I Tree Conservation Plan (TCPI/46/02). The Environmental Planning Section recommends approval of the Type I Tree Conservation Plan TCPI/46/02, subject to conditions.

The site is characterized by terrain sloping toward the northeast and drains into unnamed tributaries of the Northeast Branch watershed in the Anacostia River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this parcel.

There is a stream and its associated 100-year floodplain on the site. There are no wetlands on the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. Ager Road is a collector roadway generally not regulated for noise. The predominant soil type found to occur on the subject property, according to the Prince George’s County Soil Survey, is woodstown. This soil series generally exhibits slight to moderate limitations to development due to seasonally high water table and impeded drainage.

A detailed forest stand delineation (FSD) was submitted with the application and was found to address the requirements for detailed FSD in accordance with the Prince George’s Woodland Conservation and Tree Preservation Technical Manual. The site is partially wooded.

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 in size and contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCPI/46/02) was submitted with the review package and was found to be in compliance with the requirements of the Woodland Conservation Ordinance.

The Subdivision Ordinance requires the preservation of streams and wetlands and their associated buffers in their entirety, unless the Planning Board approves a variation and can make the required findings of Section 24-113.

The site is traversed by a stream, which bisects the property into two halves. The western half of

the site is proposed for the construction of a church with encroachments into the expanded buffer area for the construction of a stormwater management pond. The stream and 50-foot-wide stream buffer, adjacent severe slopes (25 percent or greater), and steep slopes (15 percent or greater) on highly erodible soils, compose the expanded buffer in accordance with Section 24-130 of the Subdivision Ordinance. The features are shown correctly on the plan as submitted. These features are required to be preserved unless the Planning Board grants a variation to the requirements. A variation request was submitted with the review package for proposed impacts needed for the purpose of installing a stormwater quality control pond and its associated outfall.

Variation requests are generally supported for impacts that are essential to the development, such as road connections to isolated portions of a parcel or impacts for the construction and installation of necessary public utilities, if the impacts are minimized. The proposed impact must be addressed as part of the current review of the preliminary plan.

Review of the Variation Request Submitted

A single variation request was submitted by the applicant and is recommended for approval. Section 24-130 of the Subdivision Regulations restricts impacts to buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The variation is for installing a stormwater quality control pond and its associated outfall pipe within the expanded stream buffer in an area that is not currently wooded. According to the variation request, the proposed total impacts to the expanded buffer composing the 100-year floodplain is 15,995 square feet or 0.367 acre.

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 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 injurious to other property;**

The variation is required to address the regulations associated with the Stormwater Management Ordinance, which are designed to promote public safety and health and to ensure no off-site properties are damaged.

- (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 conditions of the property are unique with respect to the placement of the existing stream, the associated buffer, and the required placement of the necessary public utilities. The property is unique in that it is bisected by the stream and 100-year floodplain, significantly reducing the buildable area of the site.

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

No other variances, departures, or waivers are required with regard to the treatment of stormwater. All appropriate local, federal and state permits must be obtained before the construction can proceed.

- (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;**

Due to the configuration of this site, the location of the stream, and the fact that no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variations.

The property is zoned R-55, and proposed to be developed with an institutional use, therefore this finding does not apply to this application.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is located within the limits of the 1989 approved Langley Park-College Park-Greenbelt Master Plan, Planning Area 65 in the Langley Park community. The master plan recommended land use is for medium suburban. The proposed use is consistent with the zoning of the property. The 2002 General Plan locates the property in the Developed Tier. A vision for the Developed Tier is a network of sustainable mixed-used neighborhoods. The proposed preliminary plan is consistent with the master plan and the General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the proposed subdivision is exempt from the requirement of the mandatory dedication of parkland

because the lot/parcel is greater than one-acre and is a nonresidential use.

7. **Trails**—There are no master plan trails issues identified in the 1989 approved Langley Park-College Park-Greenbelt master plan.

SIDEWALK CONNECTIVITY:

There is an existing sidewalk immediately behind the curb along the subject site's frontage of Ager Road to accommodate pedestrian movement. Any additional pedestrian or bicycle facility improvements may have to be undertaken comprehensively for the road corridor through a capital improvement project.

8. **Transportation**—The application is a preliminary plan of subdivision for a church. The Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th Edition, lists churches as having a trip rate of 0.72 trip per 1,000 square feet of gross floor (GFA) area on weekdays, and 11.76 trips/1,000 square feet of GFA on Sundays. The applicant is proposing a church with a floor area of 19,283 square feet. Based on the ITE rates, the proposed church facility would generate 14 AM and 13 PM peak-hour vehicle trips on weekdays, and 227 trips during the peak hour on Sundays.

The traffic generated by the proposed preliminary plan would impact the intersection of Ager Road and 23rd Avenue/Rittenhouse Street. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;

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.

The Ager Road/23rd Avenue/Rittenhouse Street intersection, when analyzed with existing traffic was found to be operating with a CLV/LOS of 569/A during the AM peak hour, 677/A during the PM peak hour, and 1274/C during the peak hour on Sunday. When the subject intersection was analyzed under total traffic conditions, the resulting CLV/LOS was 569/A during the AM peak hour, 681/A during the PM peak hour, and 1309/D during the peak hour on Sunday.

Regarding on-site circulation, staff has no issues.

Section 24-121(a)(3) of the Subdivision Regulations establishes that proposed parcels fronting on a roadway of an arterial classification or higher shall be designed to front on either an interior street or service road. The subject property has frontage on Ager Road, 23rd Avenue, Rittenhouse Street, and 24th Street. The plan proposes direct vehicular access onto Ager Road, an arterial roadway. In order to grant direct access to Ager Road, the Planning Board must find conformance to Section 24-113 of the Subdivision Regulations.

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 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 injurious to other property;**

Comment: The access location will require approval from the Prince George's County Department of Public Works and Transportation (DPW&T). DPW&T may require additional improvements at the site entrance to accommodate traffic and to ensure safety. These improvements may include left turn lanes, acceleration/deceleration lanes, frontage improvements, signage, and pavement markings.

Review and approval of access permit by DPW&T will ensure that the proposed entrances will not be detrimental to the public safety, health, or injurious to other properties.

- (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;**

Comment: The property has frontage on Ager Road, 23rd Avenue, Rittenhouse Street and 24th Street. The most developable portion of the property fronts onto Ager Road and is separated from those other road frontages by a significant environmental feature, which would be difficult to cross. This feature is unique to this property and not shared with the

surrounding properties. Moreover, all of the development on 23rd Avenue, Rittenhouse Street, and 24th Street is residential. The residential development to the north and west is a well-established neighborhood that may be adversely impacted if the church traffic were to utilize the residential street. With the granting of the variation, access to this church use will be via Ager Road and will not create possible conflicts with the surrounding neighborhood.

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

Comment: Review and approval of access permits by SHA and DPW&T will ensure that the proposed entrances will not constitute a violation of any other applicable law, ordinance, or regulation.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

Comment: The most developable portion of the property fronts onto Ager Road and is separated from those other road frontages by a significant environmental feature that would be difficult to provide vehicular access across. The applicant would be required to obtain state and federal permits to cross the environmental features. Because of the significant amount of frontage on Ager Road and the nature of the surrounding community, a particular hardship to the owner could result if the request were to be denied.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded that the subdivision is exempt from APF test for schools because it is an institutional use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Chillum-Adelphi Fire Station, Company 44 located at 6330 Riggs Road has a service travel time of 1.42 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Chillum-Adelphi Fire Station, Company 44 located at 6330 Riggs Road has a service travel time of 1.42 minutes, which is within the 4.25-minute travel time guideline.

- c. The existing paramedic service at Brentwood Fire Station, Company 4 located at 3712 Utah Avenue has a service travel time of 4.22 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Hyattsville Fire Station, Company 1 located at 6200 Belcrest Road has a service travel time of 3.08 minutes, which is within the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

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 service area for Police District I-Hyattsville. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The existing dwelling is to remain and serve as an accessory use to the church use. The building is currently served by private well and septic systems and should be connected to public systems upon availability, unless a waiver is granted by the Department of Environmental Resources, Programs and Planning. Once the dwelling is connected to public systems the abandoned well and septic tank should be properly disposed.

The applicant must obtain a raze permit prior to the removal of any of the structures on site. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

A significant amount of domestic trash (bottles, cans, trashcan) and other debris (rusted vehicle and farm equipment) was found on the side of the stream and in the entire length of the stream. The significant amount of trash found in the stream has polluted the stream and is causing the stream to appear black and stagnant. The trash should be removed and properly stored or discarded.

- 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 has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved

prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 7, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of November 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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