

R E S O L U T I O N

WHEREAS, United Methodist Church, Inc. is the owner of a 6.77-acre parcel of land known as Parcel 56, Tax Map 148 in Grid B-3, said property being in the 4th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on December 16, 2005, Nottingham Myers United Methodist Church filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04198 for Nottingham Myers United Methodist 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 March 10, 2005, 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 March 10, 2005, 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/101/04), and further APPROVED Preliminary Plan of Subdivision 4-04198, Nottingham Myers United Methodist Church for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to delineate the PMA to include adjacent 15–25 percent slopes only on highly erodible soils, and the legend shall correctly identify the elements shown.
2. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised to show the design of the stormwater outfall adjacent to Brooks Church Road in conformance with the letter of justification, and demonstrate that the PMA has been preserved to the fullest extent possible.
3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area except for areas of 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.”

4. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised as follows:
  - a. The Patuxent River Primary Management Area shall be correctly delineated.
  - b. The plan shall be signed and dated by the qualified professional who prepared it.
5. The Type II Tree Conservation Plan shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat and shall be protected by permanent fencing.
6. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
7. 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/101/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
8. Prior to the issuance of any permits that 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.
9. Development of the property shall be in conformance with the approved Stormwater Management Concept Plan (117-2004-00), or any approved revisions thereto.
10. Any grading or excavating activities within the historic site’s environmental setting shall require a Historic Area Work Permit (HAWP) with possible review by the Historic Preservation Commission. Any excavations shall be supervised by a qualified archeologist and any impact on burial sites will be reviewed and, as necessary, the work stopped to facilitate further investigation and consultation with Historic Preservation staff.
11. The corners of the cemetery shall be staked and maintained until approval of the preliminary plan. The applicant must also provide an inventory of the existing cemetery elements including a list of landscape features, walls, gates, and tombstones, including a record of the tombstones’

inscriptions.

12. The applicant shall provide a fee to Prince George’s County, which shall serve as a fair share contribution towards the construction of the proposed Croom-Naylor Station, and acquisition of an ambulance. The fee shall be paid at time of the issuance of building permits. The fair share fee is \$434 per employee.
13. In accordance with the provisions of Council Bill 89-2004 and Section 24-122.01(d)(2), the applicant shall provide water storage tanks, the availability of water trucks or other appropriate sources of water for fire extinguishment purposes subject to the approval of the Fire Chief or his designee.
14. Total development within the subject property shall be limited to 15,600 square feet of church facilities in addition to the existing 3,092 square feet, or equivalent development that generates no more than 11 AM and 10 PM peak-hour vehicle trips. 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.

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 site is located on the south side of Brooks Church Road, 1,600 feet west of its intersection with Croom Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	O-S	O-S
Uses	Church	Church
Acreage	6.77	6.77
Lots	0	1
Parcels	1	0
Square Footage/GFA	3,092	15,600 (New) 18,692 (Total)

4. **Environmental**—There is a stream that follows the northern property boundary of the subject property, but no wetlands or 100-year floodplains have been identified on this property. The site is approximately one-half wooded, with the remaining half containing existing church buildings, a parking lot, and an existing cemetery. The soil series found on this property include the Marr, Sandy land and Westphalia. These soils may exhibit limitations with respect to impeded

drainage, seasonally high water or erodibility. Marlboro clays are not found to occur in the vicinity of this property. 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, no rare, threatened, or endangered species are found to occur in the vicinity. The subject property does not have frontage on a designated historic or scenic road. The property is located in the Spice Creek watershed and Patuxent River basin. The property is located in the Rural Tier as reflected in the approved General Plan.

### **Woodland Conservation**

A revised Forest Stand Delineation (FSD) plan was submitted for this application. The plan meets all requirements. Two forest stands and twenty-five specimen trees have been identified on the site. Stand A is comprised of approximately 1.01 acres of mixed-hardwoods dominated by yellow poplar and northern red oak. The stand has an average diameter of 23 inches with an estimated 127 trees per acre. The Forest Structure Analysis Sheet indicates that Stand A has a "good" rating (Structural Value 12) and contains numerous environmental features, which results in a classification as a Priority 1 save area. Stand B is composed of approximately 2.02 acres of mixed hardwoods dominated by yellow poplar and red maple. The stand has an average diameter of 12 inches with an estimated 518 trees per acre. The Forest Structure Analysis Sheet indicates that Stand B has a "good" rating, but does not contain significant environmental features, and as such is classified as a Priority 2 save area. A table lists the 25 specimen trees that were identified on the site, consisting of a large number of yellow poplar as well as large oaks. The FSD indicates that there are no 15–25 percent slopes on highly erodible soils on the subject property.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/101/04) was submitted with the preliminary plan application.

The Tree Conservation Plan (TCPI/101/04) has been reviewed. The Woodland Conservation Threshold for this site is 3.39 acres (50 percent of the Net Tract). The amount of woodland conservation required based on the amount of clearing currently proposed is 3.47 acres.

The TCPI has proposed to meet the requirement with 2.50 acres of on-site preservation, 0.28 acres of afforestation/reforestation, and 0.69 acres of credits for off-site mitigation on another property, which meets the requirements of the Woodland Conservation Ordinance.

Proposed reforestation areas should be focused within the PMA, once it is correctly delineated, which will be subject to conservation easements for the long-term protection of perpetual woodlands. All afforestation areas have been set back 20 feet at a minimum from any existing or proposed structures and will be protected by permanent tree protection devices, as determined during the preparation of the TCPII. All specimen trees, except for Specimen Tree #2 that is in

poor condition and located within the right-of-way, will be retained. The disposition of all specimen trees has been noted in the specimen tree table.

Afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting so that they may mature into perpetual woodlands, the afforestation should be completed prior to the issuance of building permits for the sites; and all afforestation should be placed in conservation easements.

### **Streams, Floodplain and Wetlands**

Wetlands and streams are found to occur on this property. These features and the associated buffers, including adjacent slopes in excess of 25 percent, and steep slopes of 15–25 percent on highly erodible soils, comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The elements that comprise the PMA do not appear to have been fully and correctly identified on the TCPI and preliminary plan because the 15–25 percent on highly erodible soils have not been differentiated from all 15–25 percent slopes.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. Impacts to the PMA are proposed in an area that is correctly delineated at this time. Staff generally recommends approval of PMA impacts for the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. It appears that the only impacts to the PMA that are anticipated due to this proposal are related to required road improvements on Brooks Church Road and an outfall for the stormwater management system. A letter dated February 22, 2005, from William L. Clark, Beltway Surveys, was submitted requesting the temporary disturbance of 1,300 square feet of stream buffer for the installation of a stormdrain pipe, and 920 square feet of stream buffer impacts for improvements within the right-of-way of Brooks Church Road. The Environmental Planning Section supports the variation request as necessary for the installation of required public facilities; however, the stormdrain outfall design shown on the letter of justification drawings does not match the design of the outfall shown on the TCPI.

A wetland study was submitted with the preliminary plan application. The site contains streams or wetland areas that may be impacted and may be regulated by federal and state requirements.

### **Soils**

The soil series found on this property include the Marr, Sandy land and Westphalia. These soils may exhibit limitations with respect to impeded drainage, seasonally high water or erodibility. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

### **Water and Sewer Categories**

The property is in water category W-6 and sewer category S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This development will rely on private well and septic.

5. **Community Planning**—The property is in Planning Area 86A/Naylor. The 2002 General Plan places the property in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland wildlife habitat and the preservation of the rural character and vistas that now exist. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier. The 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* recommends a public/quasi-public use for the site in recognition of its long use as a church. This application does not impair the master plan recommendation.
6. **Parks and Recreation**—The site is exempt from mandatory dedication because it consists of a nonresidential development.
7. **Trails**—There are no master plan trails issues identified in the 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)*. Roads in the vicinity of the subject property are open section with no sidewalks.
8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did have previous traffic counts available in the area. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

### **Growth Policy—Service Level Standards**

The subject property is in the Rural Tier, as defined in the 2002 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 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 traffic controls) if deemed warranted by the appropriate operating agency.

### **Staff Analysis of Traffic Impacts**

The intersection of MD 382 and Candy Hill Road is determined to be the critical intersection for the subject property. The critical intersection is unsignalized.

The transportation staff has available counts taken in support of another case in the area in 2004. These counts indicate that the critical intersection operates with a maximum delay in any movement of 14.9 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a maximum delay of 16.4 seconds.

There are no funded capital projects at this intersection in either County Capital Improvement Program or the State Consolidated Transportation Program that would affect the critical intersection. There are five approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—18.3 seconds of delay; PM peak hour—25.0 seconds of delay.

With the development of 15,600 square feet of church facilities, the site would generate 11 AM (6 in and 5 out) and 10 PM (5 in and 5 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 60 percent—north along MD 382; 15 percent—south along MD 382; and 25 percent—west along Brooks Church Road. 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—19.3 seconds of delay; PM peak hour—25.5 seconds of delay. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections; it is determined that this intersection operates acceptably as an unsignalized intersection under existing, background, and total traffic.

It is noted that this analysis is limited to church facilities. The applicant has indicated that there are no plans to construct day care, private school, or other types of uses that may be more trip-intensive. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed.

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

Based on the preceding 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 the amount of development on the site.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the review for schools because it is a nonresidential use.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

The existing fire engine service at Baden Fire Station, Company 36 located at 16608 Brandywine Road has a service travel time of 7.91 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Baden Fire Station, Company 36 located at 16608 Brandywine Road has a service travel time of 7.91 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service travel time of 13.92 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service travel time of 12.17 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed for the subject commercial development, an automatic fire suppression system should 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.

The above 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."

The Historic Preservation and Public Facilities Planning Section has concluded that the proposed two-story church is beyond the recommended response times from existing facilities that provide ambulance and paramedic service. This finding is based on using the existing road system and existing stations. The staff also found that the planned Croom-Naylor Emergency Services Facility, which is shown in the General Plan, will be the first due station that will provide ambulance and paramedic service to this development.

In order to mitigate the ambulance and medic response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution towards the construction of the Croom-Naylor Emergency Services Facility.

The fee amount is based upon the total cost of the facility \$1,275,000 plus ambulance unit (\$131,000) and paramedic unit (\$131,000) divided by the total amount of residential and employment population within the service area in 2006 (16,270). The service areas include those areas that will be served by the planned facility. The fair share fee is \$434 per employee for ambulance and paramedic service. The total of 10.4 workers is based on the rate of one employee



per 1,500 square feet for the 15,600 square feet of the proposed church. (Note: The factor of one employee per 1,500 square feet is based upon analysis of similar uses by the Information Management Division).

2006 Service Area Population/Workers 3,541  
Station /Ambulance and Paramedic \$1,537,000/3,541=\$434.  
\$434 per person x 10.4 employees=\$4,513.60

**Section 24-122.01(d)(2)states:**

**Before any preliminary plat may be approved, if the location of the property for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide water storage tanks, the availability of water trucks, or other appropriate sources of water for fire extinguishing purposes.**

The applicant must provide an appropriate water source for fire extinguishment purposes, subject to the approval of the Fire Chief or his designee.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy applicable to the subject application for commercial development 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 an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and reminds the applicant that a raze permit will be required prior to the removal of any building on the site. Also, they noted a significant amount of trash and other debris has been illegally dumped on the property. This must be removed prior to final plat approval.
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 Approval Letter (117-2004-00) was submitted with this application. Water quantity control is not required. Water quality control will be handled with bioretention and designed for the first one inch of run-off from impervious surface. The TCPI shows the location of a water quality pond adjacent to the PMA, and an outfall structure that impacts the PMA. Development must be in accordance with this approved plan or any revisions thereto.
14. **Historic/Cemeteries**—The property submitted for subdivision contains the Nottingham-Myers Church and Cemetery Historic Site 86B-005. The environmental setting for this historic site is

irregularly shaped and includes the existing church, the existing cemetery, and the entire area south and west of the cemetery. The environmental setting excludes the existing parking lot and the portion of the property north of the existing church. Behind the church to the south and southwest is the large and historic graveyard of the church, with many gravestones dating from the late nineteenth century. The provisions of the subdivision regulations on cemeteries (Subtitle 24, Section 24-135.02) will apply to this preliminary plan.

The submitted plan shows a 13,000-square-foot drainfield to the south of the existing cemetery. The proposed force main will be placed to the south and east of the cemetery and will connect to a septic tank and pump station near the cemetery's northern edge. Since the proposed septic tank, pump station, and force main are proposed to be located within the historic site's environmental setting, this work will require a Historic Area Work Permit (HAWP) with possible review by the Historic Preservation Commission prior to any grading or excavating activities. The proposed work will likely have a minimal impact on the historic site's cemetery; however, any excavations should be supervised by a qualified archeologist and any impact on burial sites will be reviewed and, as necessary, the work stopped to facilitate further investigation and consultation with Historic Preservation Staff. This arrangement should provide reasonable safeguards to ensure the proper conduct of this work.

In accordance with the provisions of the subdivision regulations on cemeteries (Subtitle 24, Section 24-135.02), the corners of the cemetery must be staked and maintained until approval of the preliminary plan. The applicant must also provide an inventory of the existing cemetery elements including a list of landscape features, walls, gates, and tombstones, including a record of the tombstones' inscriptions.

15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to Brooks Church Road. This easement will be reflected on the final plat.

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.

\* \* \* \* \*

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 Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 10, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:rmk