PGCPB No. 06-43 File No. 4-05019

R E S O L U T I O N

WHEREAS, a 11.23-acre parcel of land known as Parcel 76 and Parcel A, (Plat Book 153 & 73), Tax Map 12 in Grid D-1, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on September 27, 2005, Church in College Park filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05019 for Church in College Park 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 February 16, 2006, 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 February 16, 2006, 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/2/95-01), and further APPROVED Preliminary Plan of Subdivision 4-05019, Church in College Park for Lots 1-5 with the following conditions:

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

2. Development of this site shall be in conformance with the approved stormwater management concept plan (CSD 17446-2004-00) and any subsequent revisions.

3. Total development within proposed Lot 5 of the subject property shall be limited to a 350-seat, 17,120 square foot building generating 10 AM and 10 PM peak-hour vehicle trips. Any development generating an impact greater than that identified above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

4. The following note shall be included on the final plat of subdivision:

> "No church functions (excluding normal business or counseling) shall be allowed during nonholiday weekday evening peak hours (4:00 p.m. to 6:00 p.m.)."

5. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for Lots 1 through 4.

Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

a. Provide a phased worksheet to show the original clearing in Phase 1 for the church facility and Phase 2 for the proposed clearing for the four residential lots or combine all the previous and proposed clearing into one worksheet and show and label all clearing conservation areas.

b. Revise the label of "stream buffer" to "expanded stream buffer," distinguish it from the 100-year floodplain, and add the symbol to the legend. If this buffer is not related to Little Paint Branch, add the location of the banks of the stream to which it is related.

c. Label the legend as such, and provide corresponding symbols in the legend for the wetlands, 100-year floodplain, the expanded buffer and the proposed limits of disturbance.

d. Include a revision box.

e. Show the locations of existing and proposed utility easements.

f. Remove the soils layer.

g. Include a specimen tree table with the method of location (field located or surveyed), columns with a corresponding tree number, size, species, condition, proposed disposition at post development and/or any special preservation methods recommended.

h. Show specimen tree 6.

i. In TCPI standard note 1, insert reference to the subject preliminary plan number at the end of the first sentence. In note 4, the third to the last word in the note should read "the" and not "he." In note 6, refer to the subject preliminary plan number at the end of the second sentence.

j. Label each woodland conservation area with the type of conservation and the acreage to the closest $1/100^{th}$ of an acre.

k. Show the "25-foot floodplain buffer" as a "25-foot building restriction line."

l. Show and label all the woodlands on the lots outside the 100-year floodplain as being counted as cleared and show a proposed limit of disturbance that allows for a reasonable building envelop for construction a minimum of 40 feet from the rear and 20 feet from each side of the conceptual house footprints.

m. Show the conceptual grading.

n. Remove the note from the plan regarding general conservation information.

o. Provide the TCPI signature approval block.

p. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it.

7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/2/95-01). The following note shall be placed on the final plat of subdivision:

> "Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/2/95-01), 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."

8. Prior to signature approval of the preliminary plan, revise the lot layout to eliminate all regulated areas from being on lots less than 20,000 square feet in size and, where possible, expand the area of woodland preservation along the 100-year floodplain.

9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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 permitted."

10. Prior to signature approval of the preliminary plan, a report prepared by a qualified professional shall be submitted that evaluates the habitats on-site in detail with regard to the specific habitat types related to the species contained in the December 4, 2003, letter from Maryland Department of Natural Resources, Natural Heritage Program staff.

11. Prior to the issuance of any permits, the technical stormwater management plan shall be submitted and shall not show any conflicts with the TCPI. If the technical stormwater management plan shows facilities that will result in significant changes to the TCPI, the TCPI shall be revised as approved by the Planning Board and the preliminary plan shall also be revised if necessary.

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 property is located on the south side of Briggs Chaney Road, just west of its intersection with Masters Lane, extending through to the northeast side of Castleleigh Road opposite the eastern terminus of Ivy Drive. The northwestern section of the site is developed with a church, while the remainder of the site is wooded. Surrounding properties are developed with single-family dwelling units in the R-80 Zone. To the east is undeveloped M-NCPPC parkland in the R-O-S Zone.

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

	EXISTING	**PROPOSED**
Zone	R-80	R-80
Use(s)	Church	Church, Single-family Residences
Acreage	11.23	11.23
Lots	0	5
Parcels	2	0
Dwelling Units:	0	4

4. **Environmental—**The Environmental Planning Section previously reviewed plans associated with a portion of the site as Preliminary Plan 4-95003. The preliminary plan was for a site totaling 3.30 acres with frontage along Briggs Chaney Road. In 1995, a Type I Tree Conservation Plan, TCPI/2/95, was reviewed. Subsequently, a Type II Tree Conservation Plan, TCPII/27/95, was approved in July 1997. Since that time a church facility was constructed on the 3.30-acre portion. As a result of the additional land area reflected in this proposal, both the TCPI and TCPII will be revised to include the 7.93 acres in -01 revisions to these two respective TCPs.

   Based on year 2000 air photos, the newly acquired portion of the site is fully wooded. There are regulated environmental features associated with the site including: wetlands, 100-year floodplain, and steep and severe slopes on highly erodible soils. Two soils types are present at the site and these include Keyport silt loam and Sassafras gravelly loam. Development activity at the site is proposed where the Sassafras soils are located. There are no development constraints associated with this soil type based on the type of development proposed. Marlboro clays are not found at this site. The property is in the Little Paint Branch watershed of the Anacostia River basin. The site is located less than 1,000 feet from I-95, which is a source of significant traffic noise. There

are no scenic or historic roads in vicinity of the site. According to the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened and endangered species are not found at this site; however, two species of interest are known to occur in vicinity of the site. According to the 2005 approved *Countywide Green Infrastructure Plan,* the site has a regulated area, an evaluation area, and a network gap associated with it. The property is in the Subregion I and Vicinity Planning Area and the Developing Tier of the adopted General Plan.

Natural Resources Inventory

The preliminary plan application has a signed natural resources inventory (NRI-013-05) that was included in the package submitted. The TCPI does not show all the required information correctly, when compared to the signed NRI.

Woodland Conservation

The site is subject to the provisions of the Woodland Conservation Ordinance because it has a previously approved tree conservation plan. A Type I tree conservation plan (TCPI) has been submitted.

Existing woodland on the site totals 9.28 acres, of which 2.67 acres is within the 100-year floodplain. The woodland conservation threshold (WCT) is 1.71 acres. The proposed amount of woodland to be cleared totals 0.89 acres. The site's woodland conservation requirement totals 1.94 acres, which is proposed to be met using 2.06 acres of on-site woodland conservation. The area of woodland not cleared totals 8.31 acres as currently calculated.

The subject TCPI has been reviewed and numerous revisions are necessary in order for the plan to be in compliance with the Woodland Conservation Ordinance. These are addressed as conditions of approval at the end of this report.

The four lots proposed for residential development show areas of woodland clearing for the proposed development. However, the clearing shown on all four lots is too small of an area to provide for a building envelope for construction. For lots this small (an average of 17,000 square feet and all under 20,000 square feet), all of the woodland on the lots shall be counted as cleared. The limit of disturbance need not show the entirety of the lot cleared, but it must all be counted as cleared so that future homeowners will not be in violation of the Woodland Conservation Ordinance.

Conceptual grading has not been shown on the TCPI. This is required so it can be determined whether any impacts are proposed to natural features at the site, and whether or not the proposed limits of disturbance are reasonable. The plan should be revised to show the proposed conceptual grading.

Green Infrastructure Plan

Elements of the *Countywide Green Infrastructure Plan* (GI Plan) associated with this site are as follows: Approximately 20 percent of the site is within regulated areas (which have now been delineated in detail on the NRI), 60 percent is within evaluation areas, and 15 percent is within a network gap. The network gap area is located on the parcel that contains the existing church facility.

The designated regulated areas are required to be preserved by the Subdivision Ordinance. The regulated areas should not be located on private lots that are less than 20,000 square feet in size. The wooded portion of the site outside the regulated areas is designated as an evaluation area. When located adjacent to a regulated area, the woodland conservation design should seek to expand the evaluation area. The woodland conservation as designed proposes a large block of woodlands in the center and a 50-foot-wide expansion of the regulated area along the 100-year floodplain. The site design also places a portion of two of the proposed lots within the 100-year floodplain, which is to be avoided.

Impacts to Regulated Areas

It does not appear that any impacts are proposed to the regulated areas; however, the stormwater management concept plan has yet to be submitted for review and comparison with the TCPI. If no impacts are proposed, no variation requests are required. If any impacts are proposed, variation requests are required to be submitted 30 days prior to any Planning Board hearing. In either case, the regulated areas will be placed in a conservation easement.

Rare, Threatened and Endangered Species

A December 4, 2003, letter from Maryland Department of Natural Resources, Natural Heritage Program staff indicates two species of interest are known to occur within the vicinity of the project site: Featherbells (common name), *Stenanthium graminuem* (scientific name) and Halbred-leaved Greenbriar (common name), *Smilax psuedochina* (scientific name). Both of these species are listed on the state's status as "threatened." These species may occur on the project site itself, if the appropriate habitat is present.

A detailed report is needed, signed by a qualified professional, regarding the presence of the habitat types specifically stated in the letter regarding the subject species on the subject property. The report should be based on a site visit conducted exclusively for this purpose. Any habitat types found that are likely habitats for the threatened species noted in the letter shall be mapped on a revised NRI to be submitted for review and signature approval.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources; the property will, therefore, be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1990 Master Plan for Subregion I in Planning Area 61 (Beltsville and Vicinity). The master plan land use recommendation is for Suburban Residential densities (2.7-3.5 dwelling units/acre). The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation is recommending a fee-in-lieu of mandatory dedication for Lots 1 through 4 of this application because the land available is unsuitable due to size and location. Lot 5 is over an acre in size and contains a nonresidential land use.

7. **Trails**—There are no master plan trail issues identified in the adopted and approved Subregion I Master Plan that impact Lots 1-4. A master plan trail/bikeway facility is recommended along Briggs Chaney Road. No recommendations are made regarding this proposal due to the small amount of road frontage of the subject site and the fact that no improvements to the church or its road frontage along Briggs Chaney Road are proposed. This proposed trail/bikeway facility will be implemented through a future DPW&T road improvement project. There are no existing sidewalks along either Castleleigh Road or Ivy Lane. However, staff supports the provision of sidewalks along the proposed cul-de-sac.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of five lots. Lots 1-4 are proposed for development of single-family residences. Proposed Lot 5 would include an existing church lot for which a previous preliminary plan was approved (4-95003). The proposed additional development would generate 3 AM and 5 PM peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The subject property is located within 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;

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.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Gunpowder Road and Briggs Chaney Road. Staff has not reviewed any recent traffic study at the critical intersection of Old Gunpowder Road and Briggs Chaney Road. Analyses of eight to ten years ago did not reveal significant operational issues at this signalized intersection. Nonetheless, due to the limited trip generation of the additional development proposed for the site, the Prince George's County Planning Board could deem the site's impact to be *de minimus*. Staff would, therefore, recommend that the Planning Board find that 3 AM and 5 PM peak-hour vehicle trips will have a *de minimus* impact upon delay in the critical movements at the Old Gunpowder Road/Briggs Chaney Road intersection.

It is noted that the church is not planned for expansion under this plan. The transportation adequacy finding for the church was based on a 350-seat, 17,120-square-foot building generating 10 AM and 10 PM peak- hour trips, and this should be so worded in a condition attached to proposed Lot 5. Also, Condition 5(a) of the resolution approving 4-95003 included language that would limit the impact of the church on peak-hour traffic in the surrounding area, and that condition should also be carried forward.

Transportation Conclusions

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 conditions consistent with these findings.

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 and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	5453	1585	4278
Completion Enrollment	68	19	40
Cumulative Enrollment	1.20	0.84	0.60
Total Enrollment	5523.16	1605.08	4319.08
State Rated Capacity	4858	1759	4123
Percent Capacity	113.69%	91.25%	104.76%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of $7,000 per dwelling if a building is located between I-495 and the District of Columbia; $7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or $12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are $7,412 and 12,706 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the public policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Beltsville, Company 41, using the seven-minute travel times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the staff standard of 657, or 95 percent of 692, as stated in CB-56-2005. The Fire Chief has reported by letter dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police**—The Historic Preservation and Public Facilities Planning Section has determined that this preliminary plan is located in Police District VI. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

The preliminary plan was accepted for processing by the Planning Department on September 27, 2005.

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Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-08/05/05	9.00	17.00

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 9 minutes for emergency calls and 17 minutes for nonemergency calls were met on August 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

12. **Health Department**—The Health Department reviewed the application and had 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 has been approved (CSD 17446-2004-00). Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.

14. **Historic Preservation**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. The Historic Preservation Section does not recommend archeological investigation of this site, because it does not appear to be proximate to an identified resource or a likely historic site.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded 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.

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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, at its regular meeting held on Thursday, February 16, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of March 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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