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## Preliminary Plan 4-05156

Application	General Data
<b>Project Name:</b> <b>MT. RAINIER SPANISH CHURCH</b>  <b>Location:</b> West side of Ager Road, just north of its intersection with Oglethorpe Street.  <b>Applicant/Address:</b> Mt. Rainier Spanish Church 6012 Ager Road West Hyattsville, MD. 20782	Date Accepted: 02/17/06
	Planning Board Action Limit: 07/07/06
	Plan Acreage: 1.68
	Zone: R-35
	Lot: 1
	Parcels: 0
	Planning Area: 65
	Tier: Developed
	Council District: 02
	Municipality: N/A
200-Scale Base Map: 207NE02	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION This case was continued from the Prince George's County Planning Board meeting of June 8, 2006.	Adjoining Property Owners Previous Parties of Record Registered Associations: 12/30/06 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 05/09/06

Staff Recommendation		Staff Reviewer: John Ferrante	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05156  
Mt. Rainier Spanish Church

OVERVIEW

The subject property is located on Tax Map 41, Grid D-3, and is known as Parcel 83. The property has never been the subject of a preliminary plan of subdivision. The property is zoned R-35 and consists of approximately 1.68 acres. The property is improved with an existing dwelling and a two-story accessory building. Previously, the property was used for a commercial nursery and greenhouse for the sale of horticulture and floriculture items. The nursery and greenhouse uses on the property began in 1947. Zoning was first adopted in this area on November 29, 1949, which placed the property within the R-55 Zone. At that time, a greenhouse operation in the R-55 Zone required approval of a special exception. Subsequently, a special exception (SE 4) was approved for the nursery and greenhouse use on March 15, 1950.

On October 3, 1967, the Zoning Ordinance was amended to remove greenhouses from the special exception use tables within the R-55 Zone, therefore making the nursery and greenhouse a nonconforming use. On January 11, 1989, the Permit Review Section received a use and occupancy permit application (194-89-U) for the nursery and greenhouse use. At that time, documentation was submitted to the Planning Department which demonstrated that the use had been in continuous operation since the property was placed in the R-55 Zone on October 3, 1967. On August 3, 1989, the Planning Board heard and approved the nonconforming use application (PGCPB Resolution No. 89-422), which certified the nursery/greenhouse operation as a legal nonconforming use.

In 1990, the property was changed from the R-55 Zone to the R-35 through the adopted Sectional Map Amendment for Planning Area 65 (Langley Park). In 2003, the property was acquired by the church. A church or similar place of worship located on a lot between one and two acres in size requires approval of a detailed site plan in accordance with Part 3, Division 9, and Sections 27-285(b) and 27-441(b)(2) (footnote 52) of the Prince George's County Zoning Ordinance. A detailed site plan (DSP-03007) was approved by the Planning Board on November 20, 2003 (PGCPB Resolution No. 03-253). Along with the detailed site plan, the Planning Board also approved alternative compliance (AC-03007) for Section 4.7 of the *Landscape Manual*, and a variance (VD-03007) for Section 27-441(b)(2) of the Zoning Ordinance, as the existing building could not meet the required minimum 25-foot building setback from each lot line. The property is a narrow, L-shaped parcel that has less than 94-feet of street frontage along Ager Road, which becomes increasingly narrower in width throughout the remainder of the property. This narrow parcel configuration is why the alternative compliance and variance application were necessary.

The detailed site plan, alternative compliance, and variance applications that were previously approved utilized the existing single-family dwelling on the property as the proposed church sanctuary. The applicant is currently proposing to raze the existing single-family dwelling and construct a new church building on the property that will consist of approximately 17,270 square feet of gross floor area

and have approximately 196 seats. A preliminary plan of subdivision is required in accordance with Section 24-107(c)(7)(B) of the Subdivision Regulations, as the applicant is proposing to construct more than 5,000 square feet of gross floor area. Revisions have been applied for to amend the approved detailed site plan (DSP-03007/01), alternative compliance (AC-03007/01), and variance application (VD-03007/01). The Planning Board reduced the required filing fees for the new detailed site plan and variance applications on October 27, 2005.

Based on the size of the proposed new church building (17,270 square feet), a loading space is required. A departure from design standards (DDS) for Section 27-579(b) was applied for on June 20, 2006, (DDS-571), as the proposed access to any loading space would be within 50 feet of residentially zoned land.

## SETTING

The subject property is located on the west side of Ager Road, just north of its intersection with Oglethorpe Street. Directly to the north of the subject property is the Jehovah’s Witnesses Church, which is located on a 2.2-acre parcel within the R-35 Zone, as well as single-family dwellings (BB8@69) in the R-55 Zone. To the south are multifamily apartments (WWW16@55) within the R-18 Zone. To the west are single-family dwellings (WWW18@11) in the R-35 Zone, and the terminus of Oliver Street, which directly abuts the subject property. To the east is Ager Road, a county-maintained arterial roadway with a 120-foot existing right-of-way width. Access to the subject property will be provided from the local service lane of Ager Road, which runs parallel with the four-lane, arterial portion of Ager Road.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone Use(s)	EXISTING	PROPOSED
	R-35 Church (in existing single-family dwelling)	R-35 Church (construction of a new church building consisting of 17,270 square feet)
Acreage	1.68	1.68
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units:		
Detached	1	0
Public Safety Mitigation Fee		N/A

2. **Environmental**—The Environmental Planning Section has reviewed the above-referenced Preliminary Plan of Subdivision 4-05156, stamped as received by the Environmental Planning Section on February 27, 2006. The plans as submitted have been found to address the environmental constraints for the subject property. The Environmental Planning Section recommends the approval of Preliminary Plan 4-05123 with one environmental condition.

## BACKGROUND

The Environmental Planning Section previously reviewed the subject property in 2003 as a detailed site plan application (DSP-03007), which was approved with conditions. The subject

property is currently partially developed and contains less than 10,000 square feet of woodlands. This preliminary plan proposes the subdivision of a parcel totaling 1.68 acres in the R-35 Zone for the construction of a church.

#### SITE DESCRIPTION

A review of the information available indicates that Marlboro clay, steep and severe slopes, 100-year floodplain, wetlands, or streams are not found to occur on this property. The site is located in the Sligo Creek watershed, which is a tributary to the Anacostia River basin. The soils found to occur on this property, according to the Prince George's County Soil Survey, include the Woodstown series. This series generally exhibit moderate limitations to development due to impeded drainage and seasonally high water table. 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 property. No historic or scenic roads are affected by this proposal. This property is in the Developed Tier as reflected in the adopted General Plan.

#### ENVIRONMENTAL REVIEW

The preliminary plan application has a signed natural resources inventory (NRI/151/05), dated February 2, 2006, which was included with the application package. The preliminary plan shows all the required information correctly.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. A Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption from the ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on July 26, 2005.

A stormwater management concept plan, CSD 4186-2006-00, has been approved by the Prince George's County Department of Environmental Resources.

#### **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; the site will therefore be served by public systems.

3. **Community Planning**—The property is located in Planning Area 65 within the Langley Park Community and is within the limits of the 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67*. Furthermore, the 1990 master plan and sectional map amendment rezoned this property from R-55 to the R-35 Zone. A Church is a permitted use in the R-35 Zone, subject to approval of a detailed site plan (because of the size of the property), and is therefore consistent with the master plan and sectional map amendment. This application conforms to the land use recommendations within the approved master plan.

The 2002 *Prince George's County Approved General Plan* locates this property within 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. Because a church of this size is generally located within the fabric of neighborhoods, this application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the use is non-residential and the property is over one acre in size.
5. **Trails**—There are no master plan trails issues identified in the approved Langley Park–College Park–Greenbelt master plan that impact the subject property. The existing sidewalk along Ager Road is demonstrated on the plan submitted.
6. **Transportation**—The applicant proposes to raze the existing structures and redevelop the site with a new church building consisting of approximately 17,300 square feet. The applicant is not proposing any associated day care center or school on this site.

It was determined that a traffic study was not warranted due to the size of the proposed development. However, at the Subdivision Review meeting held for the subject property, a weekday and weekend traffic count for the critical intersection of Ager Road at Oglethorpe Street was requested. The applicant submitted the required counts on May 26, 2006, which were deemed acceptable. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**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 traffic generated by this proposal would impact the intersection of Oglethorpe Street with Ager Road, which is not signalized. The applicant’s traffic consultant submitted weekend and weekday traffic counts taken on Saturday, May 20, and Wednesday, May 24th, 2006, respectively. The transportation staff is basing its findings on the submitted traffic count.

The application is for a 17,300-square-foot church without any associated day care center or school. The proposed development would generate 23 AM (12 in, 11 out) and 25 PM (15 in, 10 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

To and from north along Ager Road	40%
To and from south along Ager Road	40%
To and from the nearby residential community	20%

The traffic generated by the proposed plan would primarily impact the unsignalized intersection of Oglethorpe Street with Ager Road. The Prince George’s County Planning Board, in *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum delay of 30.0 seconds, 30.0 seconds, and 38.5 seconds under existing, background, and total traffic conditions. During the PM peak hour, a maximum delay of 38.7 seconds, 38.7 seconds, and 48.5 seconds under existing, background, and total traffic conditions. Similar results were obtained during the weekend hours. Therefore, the critical intersection operates acceptably with the addition of the proposed development, based on the guidelines.

Access to the site is proposed to be via Ager Road, an improved four-lane divided, county-maintained arterial facility, with four to six travel lanes and 100 to 110 feet of right-of-way plus parallel local lanes along its length. Typically, direct access to an arterial facility is not allowed without approval of a variation request, but since the proposed access would actually be along the parallel local lanes (service road), which are physically separated from through lanes along Ager Road, it is deemed acceptable. The proposed on-site circulation is acceptable. Oliver Street, a county-maintained residential street, stubs at the rear property line. Transportation staff recommends that access and frontage improvements, including the construction of sidewalks along Ager Road as well as any necessary turn-around treatment for Oliver Street, be constructed in accordance with DPW&T standards and requirements. Finally, the plan needs to show a dedication of 55 feet of right-of-way along its frontage with Ager Road and as deemed necessary by DPW&T for Oliver Street. The applicant is not proposing any access from Oliver Street: The DPW&T memo submitted for this application does request full frontage improvements and right-of-way dedication in accordance with DPW&T’s specifications and standards. It appears that any turnaround treatment proposed for Oliver Street would have to be accomplished within the existing right-of-way due to steep elevation changes between the subject property and the existing Oliver Street right-of-way. Any dedication required other than what is shown on the submitted preliminary plan will have to be addressed at the time of final plat if deemed necessary by DPW&T. However, any further dedication on the subject property for right-of-way improvements associated with Oliver Street may not be feasible due to the close proximity of attached single-family dwellings, steep elevation changes, the lot configuration of the subject property, and the required grading for any such improvements.

### **Transportation Staff Conclusions and Recommendations**

Based on the preceding findings, the Transportation Planning Section concludes that 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.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has concluded that the review of this preliminary plan for school facilities in accordance with Section 24-122.02 of the

Subdivision Regulations, CB-30-2003, and CR-23-2003 is not necessary because the development is a commercial use.

8. **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)(1)(B)-(E) of the Subdivision Ordinance.

The existing fire engine service at Chillum Fire Station, Company 44, located at 6330 Riggs Road has a service travel time of 1.77 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Bunker Hill Fire Station, Company 55, located at 3716 Rhode Island Avenue has a service travel time of 4.66 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Hyattsville Fire Station, Company 1, located at 6200 Belcrest Road has a service travel time of 2.65 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, paramedic and ladder truck services.

The above findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

9. **Police Facilities**—The proposed development is within the service area for Police District I—Hyattsville. 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.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Mt. Rainier Spanish Church and has the following comments to offer:

Two abandoned vehicles with no tags (Altima and Camry) found on the subject property must be removed and properly disposed.

A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

11. **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, 4186-2006-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

12. **Historic**—A Phase I archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates one known prehistoric archeological site within a one-mile radius of the property (18PR212), and no known historic structures within the vicinity of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

13. While the subject application is not proposing any residential development, the R-35 Zone does permit residential development. Because there exists different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Revise general note 11 to include the receipt number (1704), date issued (July 26, 2005), and the expiration date (July 26, 2007) that are demonstrated on the standard woodland conservation exemption letter issued for the subject property.
  - b. Demonstrate 55 feet of right-of-way dedication from the centerline of Ager Road, or other appropriate dedication as deemed necessary by DPW&T.
  - c. Demonstrate appropriate dedication for Oliver Street if deemed necessary by DPW&T.
  - d. Provide a general note that demonstrates that the subject property is exempt from mandatory dedication of parkland requirements because it is over one acre in size.
  - e. Remove all building restriction lines from the preliminary plan.
  - f. Revise site data note 17 to include the approval date (4/4/06), and the expiration date (4/4/09), of the stormwater management concept approval.
  - g. Remove site data notes 11, 12, 15, and 16 from the preliminary plan.
  - h. Revise site data note 8 to indicate that one parcel (Parcel A) is proposed.
  - i. Revise the title block to refer to the property as "Parcel A."
  - j. Add "Parcel A" and the acreage of the parcel within the limits of the property.
  - k. Remove general note 10 from the plan, as the previously approved variance no longer applies to this site, or reference the current, pending variance.
  - l. Revise general note 9 to further state that revisions to the prior approvals have been applied for, and are currently pending.
  - m. Further label or clarify that access to the property is provided from the Ager Road parallel local service lane.



- n. Add a general note that states that prior to the removal of any structures within the subdivision, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan 4186-2006-00 and any subsequent revisions.
3. Total development within the subject property under this preliminary plan shall be limited to 23 AM and 25 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.
4. The applicant, his heirs, successors and/or assignees shall construct access and frontage improvements along Ager Road in accordance with the Department of Public Works and Transportation's standards and requirements.
5. The applicant, his heirs, successors and/or assignees shall construct any turnaround treatment for Oliver Street if deemed necessary by the Department of Public Works and Transportation.
6. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
7. Although the property's entire frontage along Ager Road is already improved, the applicant, his heirs, successors and/or assignees shall remove and replace any damaged sidewalks along the property's entire street frontage if deemed necessary by the Department of Public Works and Transportation.

STAFF RECOMMENDS APPROVAL.