

R E S O L U T I O N

WHEREAS, a 3.36-acre parcel of land known as Tax Map 82 in Grid A-2, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on April 12, 2007, Beth Shalom AME Zion Church filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for I parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06137 for Beth Shalom AME Zion 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 April 12, 2007, 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 April 12, 2007, 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/5/07), and further APPROVED Preliminary Plan of Subdivision 4-06137, Beth Shalom AME Zion Church, for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCI shall be revised as follows:
  - a. Revise the plan to show the correct tree line in accordance with the signed NRI.
  - b. Eliminate the shading for woodland preservation from the 100-year floodplain and adjust the acreage label.
  - c. Identify and show the limits of woodland preservation areas outside of the 100-year floodplain that are counted toward the woodland conservation requirement.
  - d. Identify and show the limits of woodland preservation areas not counted toward the woodland conservation requirement.
  - e. Show the woodland conservation signs on the plan at a spacing of 50 feet using the symbol in the legend.

- f. Remove the Forest Stand Delineation (FSD) information from the plan and legend where applicable. This includes the stand acreages, FSD summary table, sample point locations, and forest stand boundaries.
  - g. Remove the symbol for afforestation/reforestation from the legend or show it on the plan.
  - h. Remove the symbol for severe slopes (greater than 25 percent) from the plan and legend.
  - i. Remove the soils layer and soils data table from the plan and legend.
  - j. Revise the label for “limits of clearing and grading” to “limits of disturbance” and show the symbol on the plan so that it matches the symbol in the legend.
  - k. Revise the plan so that all symbols are readable when reproduced in black and white. This includes symbols for the existing tree line, woodland preserved but not counted, and woodland cleared, which must be shown using a more heavyweight line so that symbols are more distinct and consistent with the legend.
  - l. Revise the TCPI worksheet as necessary.
  - m. Have the plan signed and dated by the qualified professional or registered landscape architect who prepared it.
2. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/005/07) approved as part of this application. The Final Plat shall reflect the following note:
- “This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/7/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, “Prince George’s County Planning Department.”
3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Primary Management Area except for one area of impact, 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 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.
5. Prior to the approval of building permits for any proposed structure containing a day care center or a single-family dwelling, the applicant, heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 65-70 dBA (Ldn) due to military aircraft overflights.
6. Development shall be in conformance with the approved Stormwater Management Concept Plan 1837-2005-01 and any subsequent revisions.
7. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
8. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
9. Total development within the subject property under this preliminary plan shall be limited to a two story church building with maximum of 17,100 square feet generating no more than 11(6 in, 5 out) vehicle trips during any weekday PM peak hour, and 224 (116 in and 108 out) vehicle trips during any Sunday peak hour. Any development other than that identified herein above, and expected to generate more vehicle trips than those stated above shall be subject to a new determination of the adequacy of transportation facilities.
10. Applicant shall construct access and frontage improvements including construction of sidewalks along Richie Road, as well as any provision of a left-turn by-pass lane along northbound Richie Road, if deemed needed by DPW&T, in accordance with DPW&T standards and requirements.

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 consists of 3.36 acres of land in the R-80 Zone.
3. Situated on the west side of Ritchie Road, the subject property is located approximately 1800 feet south of intersection of D'Arcy and Ritchie Roads.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Institution (Church)	Institution (Church)
Acres	3.36	3.36
Lots	0	0
Outparcel	0	0
Parcels	2	1
Public Safety Mitigation Fee		No

5. **Subdivision**—The subject property is zoned R-80. The subject application is not proposing any residential development; however, because different adequate public facility tests exist, and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision.
6. **Environmental**—The site has an approved Type II Tree Conservation Plan (TCPII/47/91) that was previously approved for the construction of a church, which was never constructed.

**Site Description**

The 3.24-acre property in the R-80 zone is located on the west side of Ritchie Road, approximately 1,800 feet south of the D'Arcy and Ritchie Road intersection. The site is characterized with terrain sloping toward the northwestern portion of the parcel, and drains into unnamed tributaries of the Southwest Branch watershed of the Patuxent River basin. A review of available information indicates that streams, wetlands, floodplains, severe slopes, or areas of steep slopes with highly erodible soils are found to occur on the subject property. There are no transportation-related noise impacts associated with the site because Ritchie Road is a collector roadway and generally not regulated for noise impacts. The site is impacted by noise generated by Andrews Air Force Base. Based on year 2000 air photos, the site is approximately 30 percent wooded. The soils found to occur on the site, according to the Prince George's County Soil Survey, are Aura, Beltsville and Sassafra. This soil series generally exhibits moderate limitations

to development due to perched water table, impeded drainage, slow permeability, steep slopes and high erosion potential. Marlboro clays are not associated with this site. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur in vicinity of this property. No designated historic or scenic roads abut this property. The site is in the Developed Tier as reflected in the 2002 General Plan.

### **Suitland, District Heights and Vicinity Master Plan Conformance**

The subject property is located within Analysis Area 4 of the Suitland, District Heights and Vicinity Master Plan. There are no specific environmental requirements or design standards that require review for conformance. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review section below.

### **Countywide Green Infrastructure Plan Conformance**

The site contains Evaluation Areas and Network Gaps within the designated network of the Countywide Green Infrastructure Plan. This portion of the Network is associated with an Evaluation Area to the north and Regulated Areas to the west. The intent of the Green Infrastructure Plan is to connect the Network Gaps with the Regulated Areas. Woodland conservation is provided in the Regulated Areas and in contiguous Gap areas.

### **Environmental Review**

The preliminary plan application has a signed Natural Resources Inventory (NRI/025/05), dated March 29, 2007, which was included with the application package. The NRI correctly shows all of the required information. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved Type II Tree Conservation Plan, TCPII/47/91, which was never implemented. A Type I Tree Conservation Plan number (TCPI/005/07) has been assigned to this project because a Type I Tree Conservation Plan (TCPI) is required in compliance with the requirements of the Woodland Conservation Ordinance.

The Woodland Conservation Threshold (WCT) for this 3.24 acre property is 20 percent of the net tract area or 0.54 acres, with a replacement requirement of 0.03 acres based on the proposed clearing of 0.11 acres, for a total woodland conservation requirement of 0.58 acres. This requirement will be satisfied by 0.64 acres of on-site preservation. The plan shows three specimen trees on parcel 71 to be removed with the development proposed. The proposed woodland conservation is in priority area of the site, adjacent to the stream and the 100-year floodplain.

Numerous revisions to the TCPI are required. The legend contains a shaded symbol for the proposed woodland preservation areas. This symbol is shown in the area of the wooded floodplain which indicates that the woodland in that area has been counted as woodland conservation; however woodland in the 100-year floodplain cannot be counted toward meeting the woodland conservation requirements. The applicant should eliminate the shading for

woodland preservation from the 100-year floodplain. The limits of the proposed woodland preservation areas outside the 100-year floodplain that is counted toward the requirement, as well as the limits of woodland preservation areas not counted toward the requirement need to be identified.

The TCPI shows information from the Forest Stand Delineation (FSD) that is not required to be on the plan. Prior to signature approval of the preliminary plan, the TCI should be revised and the plan signed and dated by the qualified professional or registered landscape architect who prepared them. Development of this subdivision should be in compliance with the Type I Tree Conservation Plan (TCPI/005/07) approved as part of this application.

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers including adjacent slopes in excess of 25 percent, 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 Patuxent Primary Management Area (PMA) have been fully and correctly identified on the TCPI and Preliminary Plan in accordance with the signed Natural Resources Inventory.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts.

The TCP submitted shows one impact to the PMA, associated with a sanitary sewer service connection to an existing sewer. A Letter of Justification with the appropriate map was submitted with the application for impacts to be evaluated. The application proposes one off-site impact of approximately 501 square feet of disturbance of the PMA to install the sanitary sewer service connection for the structure. The justification submitted identifies the impact areas and provided written justification for the encroachment.

Staff recommends approval of proposed impacts. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Primary Management Area except for one area of impact, and reviewed by the Environmental Planning Section prior to approval of the final plat. A note should be placed on the plat detailing the conservation easements.

The proposed activity may require the permission of the appropriate state and/or federal agencies. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should 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.

An approved stormwater management concept plan was submitted with the review package. The

proposed concept is an infiltration trench and an underground storage facility. All of the features on the approved concept plan are shown on the TCP. A Stormwater Management Concept Approval Letter (1837-2005-01) dated September 7, 2006 was submitted with the application package; however the associated plans were not submitted. Requirements for stormwater management will be met through subsequent reviews by the Department of Public Works and Transportation.

Based on the AICUZ study of 1998 for Andrews Air Force Base, the subject property is located predominantly within the 70 dBA Ldn noise contour for aircraft noise. If a residential-type use such as a day care center is proposed in the future, a noise level reduction of 30 to 35 decibels should be incorporated into the shells of structures in order to maintain interior noise levels of 45 dBA Ldn or less.

Prior to the approval of building permits for any proposed structure containing a day care center, the applicant, his heirs, successors and or assignees should place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.

#### **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 and the property will, therefore, be served by public systems.

7. **Community Planning**—This application for a church use is not inconsistent with the 2002 Approved General Plan Development Pattern policies for the Developed Tier. This application conforms to the land use recommendations of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*.

#### **GENERAL PLAN, MASTER PLAN AND SMA**

The property is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 1986 *Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, retained the R-80 Zone for this site and recommends a Medium Suburban Residential land use for the site.

8. **Parks and Recreation**—According to 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 site is over an acre in size and the proposed use is nonresidential.

9. **Trails**—This preliminary plan was reviewed for conformance with the countywide trails plan and/or the appropriate area master plan in order to provide the master plan trails. There are no master plan trails issues that impact the subject site in either the Adopted and Approved Suitland-District Heights and Vicinity Master Plan or the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan. Existing Ritchie Road is open section with no sidewalks in the vicinity of the subject site. There are no master plan trails recommendations.
10. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development, but at the Subdivision Review Meeting held for the subject property, staff did request a weekday and weekend traffic count for the intersections of Ritchie Road with D'Arcy Road, Marlboro Pike/ Forestville Road, and Sunny Lane. The applicant submitted the required counts on March 12, 2007, 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 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 the proposed preliminary plan would impact the two signalized intersections of Ritchie Road with D'Arcy Road, and Marlboro Pike/ Forestville Road, and the intersection of Ritchie Road with Sunny Lane, which is not signalized. The applicant's traffic consultant submitted a weekend and weekday traffic counts taken on Sunday, March 11, and Thursday, March 8, 2007, respectively. The transportation staff is basing its findings on the submitted traffic count.



The application is for an approximately 17,100 square foot church without any associated day care center or school. The proposed church development would generate only 11(6 in, 5 out) vehicle trips during any weekday PM peak hour, and 224 (116 in and 108 out) vehicle trips during the Sunday peak hour, as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site generated traffic was assigned to the area roadways using the following trip distribution:

To and from north along Ritchie Road	50%
To and from south along Richie Road	50%

Under existing, and total traffic all these three intersections as well as proposed site access with Richie Road operates and will continue to operate at acceptable levels during the weekday PM peak hour and the peak Sunday hour, as defined by the *Guidelines*

Access to the site is proposed to be via Ritchie Road, an improved two-lane county maintained collector facility, with 80 feet of total right of way. The proposed on-site circulation is acceptable. Staff recommends access and frontage improvements including construction of sidewalks along Ritchie Road and provision of a left-turn by pass lane along northbound Ritchie Road, if deemed needed by DPW&T, and to be constructed in accordance with DPW&T standards and requirements. Finally, the plan correctly shows the required dedication of 40 feet from the existing centerline for Richie Road.

### **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.

11. **Police Facilities**—The General Plan addresses the provision of public facilities that will be needed to serve existing and future commercial developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current allocation of space, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District III, Palmer Park

12. **Fire and Rescue Service**—The Historic Preservation & Public Facilities Planning Section has reviewed this commercial subdivision plan application 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 engine service at Forestville Fire Station Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 3.10 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Old Silver Hill Road, has a service travel time of 8.20 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 7.78 minutes, which is beyond the 4.25-minute travel time guideline.

The existing ladder truck service located at District Heights, Company 26 and the existing medic located at the Silver Hill, Company 29 are both beyond the recommended travel time guideline. The nearest fire station Forestville, 23 is located at 8321 Old Marlboro Pike, which is 3.10 minutes from the development. This facility would be within the recommended travel time for paramedic and ladder truck service if an operational decision to locate these services at that facility is made by the county.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this preliminary plan 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 *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

13. **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, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is an institutional/church use.
14. **Health Department**—The Health Department reviewed the application and had no comments to offer.
15. **Stormwater Management**—Stormwater Management Concept Plan 1837-2005-01 was approved with conditions. Development of the site must be in accordance with this approved plan.
16. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 3.24-acre property in Forestville, Maryland. A search of current and historic photographs, topographic

and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Aerial photographs indicate that most of the property has previously been impacted by the construction of a building on the eastern side of the property, indicating that any archeological sites that may have been present on the property have already been adversely impacted. However, the applicant should be aware that three Historic Resources, Epiphany Church and Cemetery (PG:75A-6), Forestville School (PG:75A-7), and Forestville M.E. Church and Cemetery (PG:75A-8) are located within a one-mile radius of the subject property. No archeological sites have been identified in the vicinity.

Moreover, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies, or federal permits are required for a project.

17. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, April 12, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator