

PGCPB No. 2025-016

File No. 4-24015

## R E S O L U T I O N

WHEREAS, Redeemer's Church of Christ, Inc. is the owner of a 9.00-acre parcel of land, located on the south side of MD 193 (Greenbelt Road), approximately 1,500 feet east of its intersection with Good Luck Road known as Parcel B, recorded in the Prince George's County Land Records in Plat Book WWW 69 page 9 titled "Parcel B, Addition to Forest Lake," said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Residential, Rural (RR); and

WHEREAS, on September 27, 2024, Redeemer's Church of Christ Inc. filed an application for approval of Preliminary Plan of Subdivision 4-24015 to subdivide the above-described property into 1 parcel and 1 outlot for institutional development; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, 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 at a public hearing on February 20, 2025; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2025, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 ("prior Subdivision Regulations"); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, at the February 20, 2025 public hearing, 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 Type 1 Tree Conservation Plan TCP1-030-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-24015, including a Variation from Section 24-121(a)(3), for 1 parcel and 1 outlot, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:

- a. Show a 10-foot-wide public utility easement along the property line fronting MD 193 (Greenbelt Road) public right-of-way.
  - b. Label Outlot 1 to be conveyed to the owners of the adjoining property (Parcel A).
  - c. Show the stormdrains, stormdrain outfalls, and sewer main connections to be consistent with the Type 1 tree conservation plan and the approved stormwater management concept plan.
  - d. Remove the text "Parcel 1" from the title block.
  - e. Remove the building labels from the plan.
  - f. Revise General Note 18 to add the stormwater management concept plan approval date and delete "It is under review by DPIE."
  - g. Add a general note to indicate the acreage of road dedication as "0."
  - h. Add a general note to indicate the total area of the property in square feet or acres.
  - i. Add a general note to indicate the method of sewage disposal.
  - j. Add a general note for mandatory parkland dedication requirement and indicate that it is not applicable.
  - k. Add a general note providing the Type 1 tree conservation plan number.
  - l. Add general notes to indicate whether or not any wetlands and streams are located on the site.
  - m. Add SMC Land, LLC to the list of property owners.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 55301-2024-SDC, once approved, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
- a. The granting of a 10-foot-wide public utility easement along the public rights-of-way, as delineated on the approved preliminary plan of subdivision.
  - b. Indication that Outlot 1 shall be conveyed to the owners of Parcel A.
  - c. A note reflecting the granting of a variation, with the preliminary plan of subdivision, from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, to allow one direct access driveway to MD 193 (Greenbelt Road).

4. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved stormwater management (SWM) concept plan and approval letter associated with this site shall be submitted. The limit of disturbance and stormwater facilities shall be consistent between the Type 1 tree conservation plan and the approved SWM concept plan.
5. In accordance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and the facilities shall be shown on the permit site plan:
  - a. A minimum 10-foot-wide bicycle and pedestrian path along the subject property's frontage of MD 193 (Greenbelt Road), unless modified with written correspondence from the operating agency, in accordance with Prince George's County Department of Public Works and Transportation and Maryland State Highway Administration adopted standards.
  - b. Five bicycle racks (inverted U-style or a similar model that provides two points of contact for a parked bicycle) located no more than 50 feet from the building entrance.
  - c. Crosswalks and associated Americans with Disabilities Act curb ramps at the point of vehicle entry and crossing all drive aisles.
6. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Add the following note under the specimen tree table:

“NOTE: “This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on January 20, 2025, with 4-24015 for the removal of specimen trees ST-1, ST-11 through ST-15, and ST-19.”
  - b. Demonstrate that the woodland conservation meets the design requirements of Section 25-122(b)(1) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
  - c. In accordance with Section 25-121(c)(3) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, amended by Prince George's County Council Bill CB-020-2024, provide the required woodland conservation threshold of 20 percent on-site.
  - d. Have the revised plan signed and dated by the qualified professional who prepared it.

7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-030-2024). The following notes shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-030-2024), or as modified by the Type 2 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 and Wildlife Habitat 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.”

8. At the time of the Type 2 tree conservation plan review, the mitigation method (on-site individual tree planting or fee-in-lieu) for the replacement of the seven specimen trees shall be determined. If on-site tree planting is used to meet the replacement requirement, then these tree replacements shall be placed into a woodland conservation easement.

9. Prior to issuance of the first permit for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland and Wildlife Habitat Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

10. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section of the Countywide Planning Division, of the Prince George’s County Planning Department, 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 Prince George’s County Planning Department Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

11. Prior to issuance of the first permit, a recorded certification of off-site woodland conservation credits shall be obtained. The purchase of off-site woodland conservation credits shall first be sought within the area of the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan*.

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 with conditions, meets the applicable legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the south side of MD 193 (Greenbelt Road), approximately 1,500 feet east of its intersection with Good Luck Road, within Tax Map 35, Grid F-2 and Tax Map 36, Grid A-2. The 9.00-acre property is known as Parcel B, which is recorded in the Prince George's County Land Records in Plat Book WWW 69 page 9 titled "Parcel B, Addition to Forest Lake" dated July 10, 1968.

The property is zoned Residential, Rural (RR). However, this preliminary plan of subdivision (PPS) was submitted for review in accordance with the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1900 *et seq.* of the current Subdivision Regulations. Therefore, this PPS was reviewed pursuant to the standards of the Rural Residential (R-R) Zone for the property, which was effective prior to April 1, 2022.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it was accepted for review prior to April 1, 2025, and meets the requirements of Section 24-1904 of the current Subdivision Regulations. The applicant participated in a pre-application conference for the subject PPS on April 8, 2024, pursuant to Section 24-1904(a). In accordance with Section 24-1904(b), the applicant provided a statement of justification received on December 19, 2024, explaining why they were electing to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to an approved Certificate of Adequacy, ADQ-2024-022.

This PPS allows for subdivision of the property into one parcel and one outlot for 71,697 square feet of institutional development, specifically, a place of worship. The PPS evaluates development of a 71,697-square-foot church with 1,300 seats on Parcel 1. No development is evaluated on Outlot 1; however, the area contains an encroachment of existing parking serving the residential development on abutting property to the west (Parcel A). Outlot 1 will be conveyed to the owners of abutting Parcel A. Parcel B was subdivided by deed (Liber 44132 folio 479) in 2020, and the area covered by Outlot 1 was conveyed to the owners of adjoining Parcel A. In accordance with Section 24-111(b) of the prior Subdivision Regulations, this division was not exempt from the requirements of a new PPS and final plat. Approval of this PPS and subsequent final plat will validate that prior division of land. The property is currently vacant. Pursuant to Section 24-111(c) of the prior Subdivision Regulations, a PPS is required because the proposed development consists of more than 5,000 square feet of nonresidential gross floor area.

The site is subject to the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment* (sector plan) and other applicable plans, as outlined herein.

Section 24-121(a)(3) of the prior Subdivision Regulations requires that lots adjacent to an existing or planned roadway of arterial or higher classification shall be designed to front on either an interior street, or a service road. The subject site fronts on Greenbelt Road, which is a roadway of arterial classification. The applicant requested a variation from the access requirements to allow one direct vehicular access to Greenbelt Road. This request is discussed further in the Transportation finding of this resolution.

The applicant also filed a request for a variance to Section 25-122(b)(1)(G) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, for the removal of seven specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 35, Grid F-2 and Tax Map 36, Grid A-2, and is within Planning Area 70. Greenbelt Road abuts the subject property to the north, with commercial and institutional uses beyond in the Industrial, Employment (IE) Zone (formerly the I-1 Zone). The property is bound to the east by single-family residential use in the Residential, Rural (RR) Zone (formerly the R-R Zone). The site is surrounded to the west and south by multifamily residential development in the Residential, Multifamily-20 (RMF-20) Zone (formerly the R-18).
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zone	RR	R-R
Use(s)	Vacant	Institutional
Acreage	9.00	9.00
Lots	0	0
Parcels	1	1
Outlot	0	1
Dwelling Units	0	0
Nonresidential Gross Floor Area	0	71,697 sq. ft.
Variation	No	Yes, Section 24-121(a)(3)
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)

The subject PPS was accepted for review on September 27, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on October 11, 2024, where comments were provided to the applicant. Pursuant to Section 24-113(b) of the prior Subdivision Regulations, the requested variation from Section 24-121(a)(3) was also received on September 27, 2024, and reviewed at the SDRC meeting on November 8, 2024. Revised plans were received on December 19, 2024 and January 10, 2025, which were used for the analysis contained herein.

5. **Previous Approvals**—The property was the subject of prior PPS 12-2978, which was approved by the Prince George’s County Planning Board, on August 6, 1968. No records are available for this PPS. The property was platted as Parcel B, in accordance with this prior PPS, prior to October 27, 1970.
6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated, as follows:

#### **Plan 2035**

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Plan 2035 classifies established communities as existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

#### **Sector Plan**

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, including maps and text, unless events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George’s County District Council has not imposed the recommended zoning. The sector plan recommends future “Residential Low” land uses on the subject property, which are defined as 0.5 to 3.5 dwelling units per acre with single-family detached building type (page 200). Regarding the appropriateness of a church located within this future “Residential Low” land use category, the sector plan further clarifies that the future land use “Institutional” category no longer contains churches. Churches are now identified as a residential land use if they are located in a predominantly residential area, or a commercial use if located in a commercial area (page 201). Given this guidance and the property’s proximity to residential land uses, this PPS conforms to the land use recommendation of the sector plan.

Other relevant sector plan recommendations that are applicable to the subject property are discussed further throughout this resolution.

#### **Zoning**

The 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sectional Map Amendment* retained the subject property in the prior R-R Zone. On November 29, 2021, the District Council approved Prince George’s County Council Resolution CR-136-2021, the Countywide Map Amendment, which reclassified the subject property from the R-R Zone to the RR Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior R-R zoning.



7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. An unapproved SWM Concept Plan (55301-2024-SDC) was submitted with this PPS. At this time, the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) has not approved this SWM concept plan which proposes multiple micro-bioretenion facilities, bioswales, and an underground 100-year flood storage facility. The location of the stormdrain outfall in the rear of the property, shown on the proposed SWM concept plan, is not consistent with the location shown on the TCP1. However, the final SWM design concept may be further revised prior to DPIE approval. The SWM concept design changes were not found to pose an impediment to approval of the PPS, given the lot configuration. Pursuant to Section 24-121(a)(15) of the prior Zoning Ordinance, “The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.” An approved, revised SWM concept plan shall be required prior to signature approval of the PPS, and be consistent with the TCP1.

Development of the site, in conformance with the SWM concept plan and any subsequent revisions, once approved by DPIE, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the sector plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George’s County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreational facilities. There are no parks recommended for the subject property, and in accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of non-residential development.
9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, the prior Zoning Ordinance, and the prior Subdivision Regulations to provide the appropriate transportation facilities.

#### **Master Plan Right-of-Way**

The property has frontage on MD 193 along the northern bounds of the site. Per the MPOT and sector plan, the portion of MD 193 abutting the property is designated as a four- to six-lane arterial roadway (A-16) with an ultimate right-of-way width of 120–200 feet. The PPS shows Greenbelt Road as a 120-foot-wide right-of-way. The existing right-of-way is sufficient to meet the MPOT and sector plan recommended right-of-way for Greenbelt Road, along the property’s frontage. The PPS is found to conform to the requirements of the MPOT and sector plan and will be adequate to serve the additional traffic generated by the project. No additional dedication is required with this PPS.



### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends the following master-planned facility along the property frontage:

- Planned Bicycle Lane: MD 193 (Greenbelt Road)

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (pages 9-10):

- Policy 2:** All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.
- Policy 4:** Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.
- Policy 5:** Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

In addition, the sector plan discusses numerous goals, policies, and strategies to promote and encourage bicycle and pedestrian movement (pages 163–164):

**Goal 3: Encourage alternative means of transportation within the sector plan area.**

**Policy 1: Follow complete street principles, which include pedestrian and bicycle considerations, in all new road construction and improvement projects.**

**Policy 5: Create environments that are more conducive to nonmotorized travel.**

The proposed SWM concept plan depicts a 10-foot-wide bicycle and pedestrian path along the site's frontage of Greenbelt Road, and a continental crosswalk at the point of vehicle access. The provided facility supports the intent of the MPOT which consolidates the bicycle lane and sidewalk while providing sufficient width for shared use. The SWM concept plan also includes a sidewalk connection from the road frontage to the proposed building entrance. Thus, the included improvements along Greenbelt Road will help develop bicycle-friendly roadways and satisfy complete street principles.

Continental-style crosswalks shall be shown crossing all points of vehicle access. In addition, five bicycle racks (inverted U-style, or a similar model that provides two points of contact for a parked bicycle) shall be provided at a location no more than 50 feet from the entrance of the building, in accordance with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) and the

2015 Association of Pedestrian and Bicycle Professionals, *Essentials of Bicycle Parking*. The above-listed improvements shall be shown on the permit plans. Collectively, these improvements will create an environment more conducive to nonmotorized travel. The included and required facilities, amenities, and connections conform to the MPOT and sector plan, create new and marked connections, and accommodate multimodal access to the site.

### **Access and Circulation**

The subject PPS shows one point of vehicle entry along Greenbelt Road, which was analyzed with the traffic impact study submitted by the applicant with this PPS. The point of vehicle entry is sufficient for vehicle movement in and out of the site, with the inclusion of a deceleration lane, which is evaluated in the approved ADQ. An on-site driveway provides access to the proposed building and parking area. This internal driveway is confined only to the site; thereby, ensuring that no cut-through traffic will impact the site. The vehicular access and circulation for the proposed development is found to be sufficient.

A variation request for access to the subject site via Greenbelt Road was submitted and reviewed as part of the PPS. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to the front, on either an interior street or service roadway. The project instead includes one direct right-in/right-out access driveway to Greenbelt Road.

Pursuant to Section 24-113(a) of the prior Subdivision Regulations, the below listed criteria must be met for the variation to be approved. The criteria, with findings of conformance, are outlined below:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The granting of the variation request is consistent with the relevant purposes of the prior Subdivision Regulations, and will not harm the public interest, as explained herein. Moreover, denial of the variation request will certainly create practical difficulties for the applicant to develop the site in the manner allowed in accordance with the County Code. The practical difficulty in this case results from site constraints, since the property has sole frontage on an arterial road from which it could obtain direct vehicular access. The granting of this variation will allow the applicant to develop the property for its evaluated use.

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The subject property only has frontage on one public right-of-way, which is Greenbelt Road. The segment of Greenbelt Road along the property frontage is a six-lane divided arterial roadway. One right-in/right-out access point to Greenbelt Road, with a deceleration lane along the frontage of Greenbelt Road, is shown. The location of the right-in/right-out access driveway will not be detrimental to the adjacent properties and allows vehicles to access the site without negatively impacting the neighborhood, to the benefit of the public safety and welfare.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The site has frontage along no other public road other than Greenbelt Road. There are no secondary roadways of a lower classification which could provide vehicular access to the site. The properties to the east, south, and west are developed with residential uses, and no potential exists for establishment of interior streets of a lower classification or service roadways that could be used to serve the subject property. These are conditions which are unique to the property, and not generally applicable to other properties.

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

The Maryland State Highway Administration (SHA) Access Management Guidelines were reviewed to determine if the access from an arterial roadway meets the state requirements. Section 1.3.1.A of the Access Management Guidelines, copied below, is relevant to the requested variation:

**1.3.1.A. Maximum Number of Access Points – State regulations specify that a maximum of two entrances may be allowed in the first 200’ of frontage. For each additional 100’ of frontage thereafter, a maximum of one entrance may be permitted, subject to the final decision of SHA. Regardless of frontage, a development may be restricted to a single entrance and exit.**

The site has approximately 390 linear feet of frontage along Greenbelt Road, and the PPS shows only one access point to Greenbelt Road, which meets the requirements for Section 1.3.1.A.

No other applicable laws, ordinances, or regulations are known that would be violated with the approval of this variation, and approval of a variation does not preclude final design and permitting approvals that may be required by SHA. Therefore, this criterion is met.

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

As stated above, the subject property only has frontage along Greenbelt Road. No other roadways are available in the vicinity that could provide vehicular access to the site. Also, no potential exists for establishment of interior streets of a lower classification or service roadways adjoining the property. Prohibiting access from Greenbelt Road would create a particular hardship to the owner if the strict letter of the regulations were carried out and all direct access to Greenbelt Road was denied, as they would be unable to develop the property.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is subject to review under the prior R-R Zone, and the applicant does not propose multifamily dwellings. Therefore, this criterion is not applicable.

By virtue of positive findings for each of the criteria for variation approval, the purposes of the prior Subdivision Regulations are served to a greater extent by the alternative proposal set forth. The variation from Section 24-121(a)(3), for one direct access driveway to Greenbelt Road, a master-planned arterial right-of-way, to include a single right-in/right-out driveway with an acceleration/deceleration lane is, therefore, approved.

Based on the preceding findings, multimodal transportation facilities will exist to serve the subdivision, meet the findings required of prior Subtitles 24 and 27 of the Prince George's County Code, and will conform to the MPOT and sector plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Sections 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The sector plan contains the following goals for the provision of public facilities:

- **Construct a new District VIII police station along Glenn Dale Boulevard (MD 193)**
- **Build a new branch library at the Glenn Dale Community Center**

The proposed development will not impede the achievement of the public facility improvements recommended by the sector plan. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

This PPS is subject to an approved Certificate of Adequacy, ADQ-2024-022. The certificate of adequacy process ensures that infrastructure necessary to support a proposed development is built at the same time as, or prior to, the proposed development. Pursuant to applicable tests and standards, public facilities will be adequate to serve the proposed development, as reflected in the approved ADQ.

The subject property is located in Planning Area 70, which is known as Glenn Dale-Seabrook-Lanham and Vicinity. The 2025–2030 *Fiscal Year Approved CIP Budget* does not identify any new public facilities proposed for construction.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities, and construction of new facilities, none of which affect this site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. The property is within Tier 1 of the Sustainable Growth Act, which includes those properties served by public sewerage systems. The project is within an adequate water and sewer category for PPS approval.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is a minimum of 10 feet wide along both sides of all public rights-of-way. The subject site abuts Greenbelt Road, an existing public right-of-way. However, the 10-foot-wide PUE is not reflected along Greenbelt Road. The PUE shall be shown and labeled along the property frontage to Greenbelt Road, prior to signature approval of the PPS.

12. **Historic**—The sector plan contains goals and policies related to historic preservation (pages 85 through 95). However, these are not specific to the subject site, or applicable to the proposed development. 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. The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-129-2023	N/A	Staff	Approved	4/4/2024	N/A
NRI-129-2023-01	N/A	Staff	Approved	8/19/2024	N/A
4-24015	TCP1-030-2024	Planning Board	Approved	2/20/2025	2025-016

#### **Applicable Woodland Conservation Ordinance**

The project is subject to the 2024 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), which came into effect July 1, 2024, because the development is subject to a new PPS with a TCP1 that was accepted after July 1, 2024. The project is also subject to the current environmental regulations contained in prior Subtitles 24 and 27 of the County Code. In conformance with Section 25-119(c)(2) of the WCO, notification mailings for the TCP1 were mailed to all adjoining property owners and registered associations on October 25, 2024.

#### **Site Description**

A review of the available information indicates that a stream buffer associated with an off-site stream and 100-year floodplain are located within the limits of this site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of the subject property. This property is located in the Folly Branch, which flows into the Western Branch of the Patuxent River basin. The site contains regulated and evaluation areas, as designated in the Countywide Green Infrastructure Plan (GI Plan) of the 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*.

#### **Plan 2035**

Plan 2035 locates the entire property in the Established Communities Growth Policy Area and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map.



## **Environmental Conformance with Applicable Plans**

### **Sector Plan**

The sector plan contains the following environmental related goals, policies, and strategies which have been determined to be applicable to this project. The specific language from the sector plan is shown in **bold** text, and the plain text provides comments on plan conformance.

#### **Goal 1: Restore and enhance water quality in areas that have been degraded.**

##### **Policy 1: Decrease the amount of pollutants from both storm and non-storm events entering sector plan area wetlands and waterways.**

The SWM concept plan is required to be reviewed and approved by DPIE, to address surface water runoff issues, in accordance with Subtitle 32 of the County Code. This requires that environmental site design (ESD) be implemented to the maximum extent practicable.

##### **Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.**

There are no wetlands or streams on-site; however, an area of stream buffer and 100-year floodplain associated with a stream located off-site, south of the property, is present. The buffer and floodplain to this stream are shown to be preserved, except in the locations of the sewer line connection. These impacts are evaluated in the Preservation of Regulated Environmental Features/Primary Management Area section of this resolution.

#### **Goal 2: Prevent flooding associated with new and redevelopment.**

##### **Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.**

There are no streams located on-site.

##### **Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.**

Water quality and flood control will be addressed in the SWM concept plan, through the use of ESD to the maximum extent practicable, and a SWM pond on-site for the 100-year storm control.

#### **Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.**

##### **Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.**

Woodland conservation has been focused as preservation in the rear of the property, which includes the primary management area (PMA).

**Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.**

Site improvements may result in a net loss of forest cover within the boundary of the sector plan area, if the off-site woodland requirement is placed in a woodland conservation bank outside of the sector plan boundary. In accordance with Section 25-122(a)(6) of the WCO, off-site woodland conservation credits are required to be considered as follows: "...within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County." To ensure sector plan conformance, the purchase of off-site woodland conservation credits shall first be sought within the limits of the sector plan.

**Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.**

**Policy 1: Require stormwater to be treated non-structurally to the maximum extent practicable.**

The proposed SWM concept plan shows the use of ESD to the maximum extent practicable.

**Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.**

**Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.**

The adjacent properties consist of existing residential development and regulated environmental features (REF), such as a stream buffer and 100-foot floodplain, can be found on-site. The minimization of light intrusion from proposed developed areas of this site onto the on-site REF, as well as residential communities surrounding the site, is of special concern. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures should be used. The proposed lighting details will be addressed at the time of permit review.

**2017 Green Infrastructure Plan**

The GI Plan was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the GI Plan, this site contains regulated and evaluation areas. The

regulated area is comprised of a stream buffer and 100-year floodplain associated with an off-site stream that is located south of the property.

The following policies and strategies are applicable to the subject PPS. The text in **bold** is the text from the GI Plan, and the plain text provides comments on plan conformance.

**Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

*Strategies*

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
  - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
  - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

Most of the regulated area located along the southern portion of the site are preserved on-site, except in the area of the sanitary sewer connection. To further protect the existing REF, the SWM facilities will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County Soil Conservation District (PGSCD). These reviews require that ESD be implemented to the maximum extent practicable, and that all stormwater will be contained and treated on-site, to protect off-site REF.

- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

This project is not located within a Sensitive Species Project Review Area or Special Conservation Area.

**Policy 2: Support implementation of the 2017 GI Plan throughout the planning process.**

*Strategies*

- 2.4 **Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/or planting of a new corridor with reforestation, landscaping and/or street trees.**

The site does not have a network gap, as the regulated area runs along the southern property line, and the areas on either side are within the evaluation area.

- 2.5 **Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

The site is fully encumbered by regulated and evaluation areas, which will be impacted by the proposed development. Most of the existing forest area within the floodplain and stream buffer is preserved, except in the area of the sanitary sewer connection. No mitigation is required for this minor impact. Additional woodland preservation is shown north of the PMA, which provides additional protection for the green infrastructure network.

- 2.6 **Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

No mitigation is required for the minor impacts to REF.

**Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

*Strategies*

- 3.3 **Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. **Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of REF by transportation systems is included with this PPS.

- b. **Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No new trails are included with this PPS.

**Policy 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

*Strategies*

- 4.2 **Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

The on-site preservation and reforestation area will be placed in a woodland conservation easement, while all remaining undisturbed areas within the PMA will be protected within a conservation easement prior to permitting. The property does not contain special conservation areas.

**Policy 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

*Strategies*

- 5.8 **Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

The proposed SWM concept plan shows the implementation of a SWM system that utilizes a combination of bioswales and micro-bioretenention facilities to improve the water quality and quantity of runoff that will discharge off-site.

**5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

Most of the existing forest area is preserved within the floodplain and stream buffer, except in the area of the sanitary sewer connection, with additional preservation north of the PMA, which will help improve water quality.

**Policy 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

***General Strategies for Increasing Forest and Tree Canopy Coverage***

**7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

On-site woodlands have been maximized, to the extent it is practicable, to develop the site and meet County and state regulations. No off-site banking or fee-in-lieu are shown. Reforestation and preservation areas will be placed into woodland and wildlife habitat conservation easements for protection prior to the approval of the Type 2 tree conservation plan, while all areas within the PMA will be protected within a conservation easement with the final plat of subdivision prior to permit.

**7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

Retention of existing woodlands and planting of native species on-site are required by both the Environmental Technical Manual (ETM) and the 2010 *Prince George's County Landscape Manual* (Landscape Manual); both requirements apply toward the tree canopy coverage (TCC) requirement for the proposed development. TCC requirements will be evaluated at the time of permit review.

***Forest Canopy Strategies***

**7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

The PPS shows clearing during development of the property. This woodland clearing is in the northern portion of the site. The area in the southern portion of the site, containing PMA, will be preserved and placed in a conservation easement. Landscape planting along the existing woodland edge should use



native species to discourage the creation of new forest edges. Further discussion of this policy can be found in the Woodland Conservation section of this finding.

### **Natural Resources Inventory/Existing Conditions**

An approved Natural Resources Inventory Plan, NRI-129-2023-01, was submitted with the PPS. The NRI depicts that the site is mostly wooded and contains REF that includes a stream buffer and 100-year floodplain, which comprise the PMA. The site statistics table on the NRI shows a gross tract of 9.00 acres, 0.50 acre of PMA, and 19 specimen trees on-site. The PPS shows all required information correctly, in conformance with the NRI.

### **Woodland Conservation**

The site is subject to the provisions of the 2024 WCO, because the PPS was accepted after July 1, 2024. The property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. This project is also subject to the ETM.

On the TCP1 received on January 16, 2025, the woodland conservation worksheet shows the gross tract of the site as 8.77 acres containing a total of 7.43 acres of woodland outside the floodplain and 0.14 acre of woodland in the floodplain. The woodland conservation threshold is 20 percent or 1.68 acres. The worksheet shows the removal of 6.22 acres of woodland, for a woodland conservation requirement of 7.92 acres. According to the worksheet, the woodland conservation requirement is met with 1.59 acres of on-site woodland preservation, 0.47 acre of reforestation, 2.46 acres of specimen tree credits, and 3.40 acres of off-site woodland mitigation credits for a total of 7.92 acres of woodland conservation provided. The TCP1, as shown, meets the woodland conservation threshold requirement; however, further analysis of the TCP1 and the worksheet revealed several errors. The worksheet does not consider the area of Outlot 1. Secondly, specimen tree credits were incorrectly used since only specimen trees that are outside of any woodland conservation areas can be considered for meeting the woodland conservation requirement. Thirdly, woodland reforestation areas “A” and “B” do not meet the dimension requirements of Section 25-122(b)(1)(J) of the WCO.

Prior to signature approval of this PPS, the woodland conservation worksheet on the TCP1 shall be revised to include the correct area of this PPS, 9.00 acres. Also, the TCP1 shall be revised to ensure that all woodland conservation and reforestation areas meet the design requirements of Section 25-122(b)(1) and that the woodland conservation threshold requirement of 20 percent, in accordance with Section 25-121(c) of the WCO, is provided on-site.

Section 25-122(c)(1) of the WCO provides conservation method priorities to meet the woodland conservation requirements. A statement of justification (SOJ) was received demonstrating why all of the woodland conservation requirements could not be met on-site. The site contains a total of 7.57 acres of existing woodland; however, 0.14 acre of this woodland is located in the floodplain and is not counted towards the woodland conservation requirement. The on-site woodland clearing and the use of off-site woodland mitigation credits are approved because the conservation threshold is being met on-site, and the proposed use is allowed to be developed per the prior Zoning Ordinance.

Any forest mitigation banks used to satisfy off-site woodland conservation requirements for this project must conform to the WCO and Sections 5-1601 through 5-1613 of the Natural Resources Article of the Maryland Code (the Maryland Forest Conservation Act), as amended. In accordance with Section 25-122(a)(3) of the WCO, Methods for Meeting the Woodland and Wildlife Conservation Requirements, “If off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within Prince George's County. Applicants shall demonstrate to the Planning Director due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County.” To ensure sector plan conformance, the purchase of off-site woodland conservation credits shall first be sought within the limits of the sector plan.

Technical revisions are required to the TCP1, which are included in the conditions of this resolution.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site, or are associated with a historic structure, shall be preserved. The design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone, in keeping with the tree's condition, and the species' ability to survive construction, as provided in the [Environmental] Technical Manual.” The Code, however, is not inflexible.

The authorizing legislation of Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George's County's WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

### **Variance for Specimen Tree Removal**

A Subtitle 25 Variance and a letter of justification (LOJ), dated December 20, 2024, was submitted for review with this PPS. The following analysis reviews the request to remove seven specimen trees.

The subject property contains 19 specimen trees. The applicant requested the removal of seven specimen trees identified as ST-1, ST-11 through ST-15, and ST-19, to build a church and associated parking in the most developable portion of the property. The condition of all trees proposed for removal was identified as fair. The TCP1 shows the location of the specimen trees to be removed for development of the site and associated infrastructure.

The LOJ addresses the required findings for the removal of seven specimen trees. Section 25-119(d) contains six required findings (text in bold below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the

required findings, is provided below. Removal of the seven specimen trees requested by the applicant is approved, to build a church and associated parking, based on these findings:

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

To meet this finding, the applicant must show that the variance is necessary to allow for a use of its property that is significant and reasonable. Further, the applicant must demonstrate that the use cannot be accomplished elsewhere on the property without a variance.

The applicant stated that special conditions peculiar to the property have caused unwarranted hardship because of the location of the specimen trees being scattered throughout the property, resulting in no one location on-site that can be developed without having to remove trees. The TCP1 shows development in the portion of the parcel that is immediate to roadway access and out of the PMA. The location of the seven specimen trees requested for removal is in the location of the proposed church, required parking, and SWM facilities.

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the seven specimen trees identified as ST-1, ST-11 through ST-15, and ST-19. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

Specimen trees are scattered throughout the property, thus making it difficult to develop the site without removing any specimen trees. Furthermore, the property is encumbered by 21,780 square feet of REF and PMA located along the southern property line. Based on the priorities found in Section 25-121(b)(1) of the WCO, and the uniqueness of the property siting, Specimen Trees ST-1, ST-11 through ST-15, and ST-19 were found to be near the access point and centrally located on the developable portion of the site outside of the REF and PMA, and in areas necessary to meet the state and County SWM requirements. These seven specimen trees requested for removal are located in the northern portion of the property which fronts Greenbelt Road. The proposed development was designed to avoid impacts to the PMA to the maximum extent practicable and save the remaining 12 specimen trees located on-site.

The species proposed for removal are red maple and willow oak. All of these trees are in fair condition. The red maples have a good construction tolerance, whereas the willow oaks have a good to medium construction tolerance; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the critical root zone.

Requiring the applicant to retain all 19 specimen trees on-site by designing the development to avoid impacts to the critical root zone would further limit the area of the site available for the orderly development that is consistent with the existing zoning, to the extent that it would cause the applicant unwarranted hardship. In particular, the applicant proposes a 71,697-square-foot house of worship for the subject property. This use is both significant and reasonable. In particular, as discussed in Finding 3 above, the sector plan recommends, and the prior Zoning Ordinance allows the development of a house of worship on the subject property. Furthermore, the subject property fronts on Greenbelt Road, an arterial road, and is surrounded by a mix of residential and nonresidential uses with which the proposed house of worship is compatible. Due to the location of the specimen trees proposed for removal relative to the existing REF and PMA, the proposed house of worship could not be developed without the need for a variance. Thus, not granting the variance would result in an unwarranted hardship.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

Not granting the variance request for Specimen Trees ST-1, ST-11 through ST-15, and ST-19 would prevent the project from being developed in a functional and efficient manner like other developments of similar size and use. Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. The applicant seeks to develop the property, in accordance with an allowable use, as prescribed in the Zoning Ordinance. Development of property, in accordance with the Zoning Ordinance, is a right commonly enjoyed by others in similar areas. By not allowing the removal of these trees, the required County and state requirements such as SWM, access, circulation, and parking cannot be met.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone of specimen trees ST-1, ST-11 through ST-15, and ST-19, would have a considerable impact on the development potential of the property. As a result, enforcement of these rules would deprive the applicant of a right commonly enjoyed by others.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

The granting of the variance is not a special privilege that would be denied to other applicants. All variance applications for removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site-specific conditions. Other similar developments featuring REF and specimen trees in similar conditions and locations have been subject to the same considerations during the review of the required variance application.

**(D) The request is not based on conditions or circumstances, which are the result of actions by the applicant.**

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the property is based on natural circumstances that long predate the applicant's interest in developing this site. The removal of seven specimen trees would be the result of the infrastructure and grading required for the development of this project, as proposed by the applicant. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

**(F) Granting of the variance will not adversely affect water quality.**

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by PGSCD. Both SWM and sediment and erosion control requirements are to be met in conformance with state and county laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of seven specimen trees identified as Specimen Trees ST-1, ST-11, ST-12, ST-13, ST-14, ST-15, and ST-19. The variance for removal of seven specimen trees for construction of institutional development is, therefore, approved.

**Preservation of Regulated Environmental Features/Primary Management Area**

REF are required to be preserved and/or restored, to the fullest extent possible, under Section 24-130 of the prior Subdivision Regulations. The on-site REF includes a stream buffer, 100-year floodplain, and its associated buffer.

Section 24-130(b)(5) of the prior Subdivision Regulations states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any

lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly, and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REF. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at the point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

An SOJ was submitted with this PPS on September 27, 2024, and revised December 20, 2024, and January 16, 2025. The original SOJ requested two impacts: a sanitary sewer connection and a stormdrain outfall. The revised SOJ dated January 16, 2025, eliminated the request for the stormdrain outfall as this outfall will now be located outside of the PMA. The revised TCP1 received on January 16, 2024, showed one impact to the PMA for the sanitary sewer connection. However, the PPS still shows both impacts and shall be revised to remove the PMA impact due to the stormdrain outfall prior to signature approval.

### **Analysis of Impacts**

Based on the revised SOJ, the applicant requested one impact area, as described below:

#### **Impact 1 – Sanitary sewer connection**

Impact 1 is a permanent impact disturbing 848 square feet of the 100-year floodplain and its buffer for the construction of a sanitary sewer connection in the southwestern portion of the site. This is a necessary impact which will occur in the PMA.

The PMA impact is limited to an area for the proposed sanitary sewer connection with a total impact of approximately 848 square feet. After evaluating the applicant’s SOJ, impact of the PMA is approved. The PMA impact is considered necessary for the orderly development of the subject property and surrounding infrastructure. These impacts cannot be avoided because they are required by the Washington Suburban Sanitary Commission, which is the permitting agency for sewer connections in the County. The TCP1 shows the preservation and enhancement of the PMA, to the fullest extent practicable.



**Soils**

The predominant soils found on-site according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Russett-Christiana-Urban land complex, Russett-Christiana complex, Issue-Urban land complex, and Christiana-Downer complex. Unsafe soils containing Marlboro clay have not been identified on this property, however, Christiana complex soils have been identified.

A geotechnical report dated April 1, 2024, was submitted with the PPS. The Prince George's County Planning Department's geotechnical reviewer examined the report and found that no problematic soil was encountered on the subject property, based on the geotechnical report.

14. **Urban Design**—The PPS shows development of the site for a place of worship, which is permitted by-right, and a detailed site plan is not required pursuant to the prior Zoning Ordinance. The regulations and requirements of the prior Zoning Ordinance apply to development in the prior R-R Zone regarding landscaping, screening, buffering, fencing, lot coverage, height, and building setbacks.

The development will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance, applicable sections of the Landscape Manual, and requirements of the Tree Canopy Coverage Ordinance of the County Code, at the time of building permit review.

15. **Citizen Feedback**—The Planning Department received one letter from Senator Malcolm Augustine, District 47, in support of this PPS, prior to the deadline to receive correspondence on February 18, 2025.

16. **Planning Board Hearing on February 20, 2025**—At the February 20, 2025 Planning Board hearing, staff presented the PPS to the Planning Board. No citizens had registered to speak on the PPS during the hearing. The applicant's attorney, Mr. Rivera, described the proposed project to the Planning Board and his agreement with all the findings and recommended conditions of approval stated in the technical staff report. Also, Pastor Kobby Sarpong, representing the applicant, described the history of the project and its importance in the community. The Planning Board approved the PPS unanimously, with conditions.

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 date of notice of the adoption of this Resolution.

\* \* \* \* \*

PGCPB No. 2025-016


File No. 4-24015

Page 28

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 20, 2025, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of March 2025.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:MV:tr

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel