

R E S O L U T I O N

WHEREAS, L. Poretsky is the owner of a 1.44-acre parcel of land known as p/o Lot 1, Block T, www 35, plat 07, Tax Map 41, Grid A-2, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on March 30, 2005, El Sinai Church filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05015 for Chillum Terrace, El Sinai 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 June 9, 2005, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on June 9, 2005, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-04015, Chillum Terrace, El Sinai Church for Parcel 1 with the following conditions:

1. Prior to the issuance for any grading or building permit, the letter of exemption for the Type I tree conservation plan will be required as part of the application.
2. Prior to signature approval of the preliminary plan, a copy of the Stormwater Management Concept approval letter shall be submitted and the number and approval date shall be noted on the plan.
3. If development of the subject property involves the use of Alternative Compliance from the Landscape Manual, then prior to the issuance of any permits, the Alternative Compliance Committee review shall address issues relating to the site design of the proposed development that includes the height and location of the retaining walls, design of the proposed parking lot and the location of service/loading areas.
4. Any water and sewer extensions will have to be approved by the Washington Suburban Sanitary Commission before the approval of a final plat.

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 is located on the northeast corner of New Hampshire Avenue and Sheridan Street.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Nonresidential (Commercial)
Acreage	1.44	1.44
Parcels	1	1

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clay are not found to occur on this property. The predominant soil type found to occur on the site according to the Prince George's County Soil Survey is sandy and clayey series. These soil series have limitations with respect to high shrink-swell potential, slow permeability and steep slopes but will not affect the site layout. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Sligo Creek watershed of the Anacostia River basin and in the Developed Tier as reflected in the approved General Plan.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and is not required. This site has an approved letter of exemption from the Environmental Planning Section, dated March 14, 2005. The letter of exemption will be required as part of the application for any grading or building permit.

A Stormwater Management Concept Plan was submitted with the review package pending approval from the Department of Environmental Resources (DER). The preliminary plan shows a site layout with almost 100 percent impervious surface. The plan also shows storm drain connection to existing outfalls subject to DER approval. The requirement for stormwater management will be met through subsequent review by the DER.

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 DER dated June 2003. The preliminary plan shows the existing and proposed water and sewer lines. Any water and sewer extensions will have to be approved by the Washington Suburban Sanitary Commission before the recordation of a final plat.

5. **Community Planning** - There are no land use issues associated with this proposal, as churches are a permitted use in the C-S-C Zone. However, there are concerns with the proposed height and location of the retaining walls, design of the proposed parking lot, and location of service/loading areas.

The retaining walls proposed for the site range in height from one foot to twenty feet, and surround the entire site with the exception of the access drives to the parking area. These walls present visual elements that are out of character with the surrounding community, and indicate that extensive grading will be required on the subject site.

The proposed reduction of required bufferyards and landscape planting on the site raises issues regarding the amount of development and impervious surfaces proposed on the site. It should be noted that a landscape plan was not included in the review package for this referral. The environmental conditions of the site and the specifics of the submitted site plan suggest that more development is being proposed than such a small infill site may reasonably support.

The drive aisle widths for the proposed parking lot appear to be less than what is otherwise required in the Zoning Ordinance. At a scale of 1 inch=30 feet, the drive aisle widths appear to average between 18 and 20 feet, when 22 feet is required. Furthermore, it appears from the submitted preliminary plan drawing that some of the handicapped parking spaces are located to the rear of the proposed church building. The function and design of the parking lot should be addressed.

Although loading/dumpster storage areas are not specifically identified at this stage, it appears that a portion of the parking island immediately to the northwest of the proposed church building may serve as the location for any dumpsters associated with this proposal, on what appears to be a pad integrated into the design of the parking island. If this is the case, the design of this element must be carefully considered.

Master plan design guidelines that may pertain to review of this proposal include (pp. 109-110):

“3. Redeveloped and expanded commercial areas should be subjected to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing pedestrian access.”

“17. Churches, service clubs, and other quasi-public uses shall be encouraged to locate in appropriate activity centers to help establish these areas as focal points and to provide for the sharing of parking and other facilities in such structures.”

This proposed site is not in a designated activity center, and that the use of the retaining wall along the periphery of the site makes it more difficult to provide for shared parking and pedestrian access due to the physical barriers being created between the adjacent, existing shopping center to the west and multifamily residential community to the east.

Due to the issues stated above, it is recommended that the proposal be subject to detailed site plan review, where these issues may be addressed in further detail. The plan was also reviewed at a pre-preliminary level by the Alternative Compliance Committee.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because of the proposed nonresidential use in a commercial zone.
7. **Trails**—There are no master plan trail issues identified in the adopted and approved Langley Park-College Park-Greenbelt master plan. There is an existing sidewalk along the subject site’s frontage of Sheridan Street. There are no master plans trails recommendations.
8. **Transportation**—The subject property is located within the Developed Tier as defined in the 2002 General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

The application proposes the construction of a 6,358 square foot church. Citing trip generation rates (560) from the *ITE's Trip Generation Manual, 7th edition*, the proposed church (560) would generate 5 trips during both peak hours on weekdays. Pursuant to provisions in the Guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates 5 trips or fewer in any peak period

Because this development is a church and is most likely to generate the largest amount of traffic on Sundays, the applicant was required by staff to provide a turning movement traffic count taken

on a Sunday. The intersection of New Hampshire Avenue and Sheridan Street was identified as the intersection on which the proposed development would have the greatest impact. The traffic data reflected vehicular movements that occurred between 8:00 a.m. and 2:00 p.m. From that six-hour window, it was determined that the 1:00 p.m.–2:00 p.m. hour revealed the highest volume and was determined to be the peak hour.

An analysis of the peak hour data revealed a critical lane volume/level-of-service (CLV/LOS) of A/618. There were background developments identified in staff's database that would impact the critical intersection. Citing trip generation rates from the *ITE's Trip Generation Manual, 7th edition*, the proposed church (560) would generate 75 trips during the Sunday peak hour. An analysis with the site trips included revealed a CLV/LOS of A/675.

The preliminary plan proposes two access points to support the development. One of those access points is a right-in–right-out driveway on New Hampshire Avenue, which is an arterial road. A variation request was submitted with this application for access to New Hampshire Avenue. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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 approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in poor circulation and practical difficulties to the applicant that could result in an inefficient development on this property.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**
- (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;**
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

- (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 strict letter of these regulations is carried out.**

While a second access is not needed in order to meet adequacy (from the perspective of capacity), staff feels that the proposed right-in–right-out access would enhance vehicular circulation, particular at the end of a typical Sunday service while parishioners egress the site. Consequently, staff supports the proposed access to New Hampshire Avenue.

9. **School Facilities**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for review of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations CD-30-2003 and CR-23-2003 and concluded that the above subdivision is exempt from a review for schools because it is a nonresidential use.
10. **Fire and Rescue**—In accordance with the standards applicable, the Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following to the subject application.

The existing fire engine service at Chillum-Adelphi Fire Station, Company 44 located at 6330 Riggs Road has a service travel time of 1.73 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at Chillum-Adelphi Fire Station, Company 44 located at 6330 Riggs Road has a service travel time of 1.73 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Bunker Hill Fire Station, Company 55, located at 3716 Rhode Island Avenue has a service travel time of 8.53 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at Chillum-Adelphi Fire Station, Company 34 located at 7833 Riggs Road has a service travel time of 3.97 minutes, which is within the 4.25-minute travel time guideline

The existing paramedic service located at Bunker Hill Fire Station, Company 55, is beyond the recommended travel time guideline. The nearest fire station Chillum-Adelphi, Company 44 is located at 6330 Riggs Road, which is 1.73 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility is made by the county.

The above findings are in conformance with the standards and guidelines contained in the adopted and approved Public Safety Master Plan 1990 and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

11. **Police Facilities**—The proposed development is within the service area for Police District I-Hyattsville. The Planning Board's current test for police adequacy applicable to this application is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the County had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Chillum Terrace, El Sinai Church and has no comments to offer.
13. **Stormwater Management**—An application for Stormwater Concept Plan was submitted and is pending approval.
14. **Archeology**—Staff does not recommend a Phase I archeological survey for this property. There are no noted historic or archeological sites in the area.
15. **Alternative Compliance Committee**—The Alternative Compliance Committee has reviewed this pre-application submittal and concluded that the landscaping concepts are basically unacceptable along the common property line with the shopping center in that it only provides for 1/10 of the required landscape yard. The proposed groundcover does not provide any plant material to meet the requirements of Section 4.7. As such a detailed site plan (DSP) review is required, whereby the elements of the site plan will be further evaluated during the DSP process. Elements of site plans are determined at DSP.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, June 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of July 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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