

R E S O L U T I O N

WHEREAS, Bethel Deliverance Outreach Ministries (BDOM) is the owner of a 7.55-acre parcel of land known as Parcels 29 and 56, Tax Map 126 in Grid A-1, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on June 13, 2006, Bethel Deliverance Outreach Ministries 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 4-06056 for Bethel Deliverance Outreach Ministries 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 September 21, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 14, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/28/06), and further APPROVED Preliminary Plan of Subdivision 4-06056, Bethel Deliverance Outreach Ministries, including a Variation from Section 24-130, for Lot 1 with the following conditions:

1. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

3. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to provide all required woodland conservation in the form of on-site preservation and have the revised plan signed and dated by the qualified professional who prepared the plan.
5. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/28/06), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
6. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
7. Development must be in accordance with the approved Stormwater Management Concept Plan 10858-2006-00.
8. Total development within the subject property shall be limited to a 35,000-square-foot church with a sanctuary seating 550 persons, or other uses that generate no more than 5 AM and 5 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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. Located on Dangerfield Road, approximately 800 feet northeast of its intersection with Surratts Road, the subject property is in the Developing Tier.
3. Development Data Summary—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Institutional
Acreage	7.55	7.55
Lots	0	1
Parcels	2	0
Mitigation	-	No

3. **Subdivision**—The subject property is zoned R-R. While the subject application is not proposing any residential development, it is adjacent to property that is zoned for residential use. Because there exists different adequate public facility tests and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision.
  
4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Bethel Deliverance Outreach Ministry, 4-06056, the revised Type I Tree Conservation Plan, TCPI/28/06, and the revised variation request stamped as received by the Environmental Planning Section on August 23, 2006. The Environmental Planning Section supports the variation request for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of Preliminary Plan 4-06056 and TCPI/28/06 subject to the conditions noted at the end of this memorandum.

**BACKGROUND**

The Environmental Planning Section previously reviewed the subject property as application 05/P17 for an amendment to the water and sewer plan. The proposal is for the construction of a 550-seat church.

**SITE DESCRIPTION**

This 7.55-acre site in the R-R Zone is located on the north side of Dangerfield Road, approximately 800 feet northeast of its intersection with Surratts Road. The site is partially wooded with hardwood forests, pine forests, and several agriculture fields. There is a stream, but no wetlands or 100-year floodplain on the property. The site drains into Piscataway Creek in the Potomac River watershed. According to the “Prince George’s County Soil Survey,” the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Matapeake and Sandy Land series. Marlboro clay is not found to occur in the vicinity of this property. 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 in the vicinity of this property. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. There are no designated scenic or historic roads affected by this proposed development. The northern portion of this property is an evaluation area as designated by the

Countywide Green Infrastructure Plan. This property is located in the Developing Tier as reflected in the adopted General Plan.

## **ENVIRONMENTAL REVIEW**

A signed natural resources inventory (NRI), NRI/084/06, was submitted with the application. There is a stream, but no wetlands or 100-year floodplain on the property. The stream drains from east to west near the northern boundary; however, the upstream drainage area is too small to generate a 100-year floodplain on this property. The expanded stream buffers as delineated on the NRI are correctly shown on the preliminary plan and the Type I tree conservation plan.

The forest stand delineation indicates two forest stands totaling 5.24 acres and notes six specimen trees. Forest stand "A" covers approximately 1.55 acres in the southern portion of the property. The dominant trees are sweetgum and red maple with diameters ranging from 7 to 20 inches at breast height. There is a substantial amount of Japanese honeysuckle and there are no sensitive environmental features in stand "A." Forest stand "B" covers approximately 3.69 acres in the northern portion of the property. The dominant trees are American beech, sweetgum, and tulip poplar with diameters over 20 inches at breast height. There are few invasive plant species. The stream valley is wholly within forest stand "B" and as such this area will be protected.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. A note should be placed on the final plat stating that conservation easements described on the plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams or their associated buffers unless essential for the development as a whole. There is a stream, but no wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. The expanded stream buffers are correctly shown on the NRI, preliminary plan, and Type I tree conservation plan. The Type I tree conservation plan shows impacts to the expanded stream buffer for a stormwater outfall and a temporary sediment pond outfall. Section 24-130 of the Subdivision Regulations prohibits impacts to this buffer unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Variation requests, dated August 22, 2006, were submitted.

Impact 1 is for the installation of a permanent stormwater management outfall that will require the disturbance of approximately 785 square feet of expanded stream buffer. The Type I tree conservation plan illustrates the permanent stormwater management outfall and the approved stormwater management concept plan, CSD 10858-2006-00, indicates its need.

Impact 2 is for the installation of a temporary sediment pond outfall that will require the disturbance of approximately 1,216 square feet of expanded stream buffer. The revised plans show a reduction of 1,610 square feet from what had been previously submitted.

Impact 3 is for the installation of a sanitary sewer that will require the disturbance of approximately 2,749 square feet of expanded stream buffer.

By placing all of the impacts in proximity, the total impact has been somewhat reduced.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. All three impacts are discussed together because they are similar in nature.

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 the evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management outfall is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. County Code requires that a sanitary sewer system serve the proposed development. Erosion and sediment control regulations require the temporary outfall for the sediment trap needed for the initial grading of the site. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The specific topography of the site requires the use of the stormwater management outfall shown on the plans to adequately serve the proposed development. The existing sanitary sewer is within the expanded stream buffer. Erosion and sediment control regulations require the temporary outfall for the sediment trap needed for initial grading of the site.

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

The installation of a temporary sediment trap outfall, stormwater management outfall and connection to the existing sanitary sewer are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar 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 regulation is carried out.**

The topography provides no alternative for the location of the stormwater outfall that is required to serve the development. The only existing sanitary sewer to serve this property is within the expanded stream buffer. Erosion and sediment control regulations require the temporary outfall for the sediment trap needed for initial grading of the site. Without the required sediment control, stormwater management facilities, sanitary sewer connections, or water main, the property could not be properly developed in accordance with the R-R zoning.

The Environmental Planning Section supports the variation requests for the reasons stated above. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams, or waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A tree conservation plan is required.

The revised Type I Tree Conservation Plan, TCPI/28/06, has been reviewed and was found to require revisions. The plan proposes clearing 2.37 of the existing 5.24 acres of woodland and 0.11 acre of off-site clearing. The woodland conservation threshold for the project is 1.51 acres. Based upon the proposed clearing, the woodland conservation requirement is 2.21 acres. The plan proposed preserving 2.02 acres on-site and reforesting 0.19 acre, for a total of 2.21 acres. An additional 0.85 acre of woodland will be preserved on-site but not as part of any requirement.

The proposed woodland preservation area is contiguous woodland that serves to protect the sensitive environmental features on-site. The design meets the goals of the Woodland Conservation Ordinance and supports the Countywide Green Infrastructure Plan. The on-site plantings are not acceptable because they are proposed within easements for the stormdrain system and sanitary sewer. Additionally, there are other priority woodlands on-site that should be preserved within a designated woodland conservation area.

Prior to signature of the Preliminary Plan, the Type I tree conservation plan should be revised to provide all required woodland conservation in the form of on-site preservation and have the

revised plan signed and dated by the qualified professional who prepared the plan. A note should be placed on the final plat of subdivision stating that the development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/28/06), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.

According to the "Prince George's County Soil Survey," the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Matapeake and Sandy Land series. Aura, Beltsville and Croom soils are highly erodible and are in the C-hydric group. Bibb soils are associated with floodplains. Matapeake soils pose no special problems for development. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

A copy of the approved Stormwater Management Concept Plan, CSD 10858-2006-00, was submitted with the review package. This approval requires underground storage for runoff from a one-year storm. The location for the underground storage and placement of the outfall are shown on the Type I tree conservation plan. No further action regarding stormwater management is required for the review of this preliminary plan.

## **SUMMARY**

The Environmental Planning Section supports the variation requests for impacts to sensitive environmental features for the reasons stated in this memorandum. The Environmental Planning Section recommends approval of Preliminary Plan 4-06056 and TCPI/28/06 subject to the conditions consistent with the preceding findings.

### **Water and Sewer Categories**

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 water and sewer plan designated this property in water and sewer Category 4. Category 3 must be obtained prior to final plat approval. A water line in Dangerfield Road abuts the property. A sewer extension is required to service the proposed development and must be approved by the Washington Suburban Sanitary Commission before approval of a final plat.

5. **Community Planning**—This application is located in the Developing Tier. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

6. **Parks and Recreation**—According to Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the development is over an acre in size and the proposed use is nonresidential.
7. **Trails**—Preliminary Plan 4-06056, Bethel Deliverance Outreach Ministry, was reviewed for conformance with the countywide trails plan and/or the appropriate area master plan in order to provide the master plan trails. There are no master plan trail issues identified in the approved Subregion V master plan that impact the subject site. Existing Dangerfield Road is open section with no sidewalks. There are no master plan trails recommendations.
8. **Transportation**— The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 7.55 acres of land in the R-R Zone. The property is located on the north side of Dangerfield Road, approximately 800 feet northeast of its intersection with Surratts Road. The applicant proposes church facilities of approximately 35,000 square feet with a 550-seat sanctuary.

Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did have previous traffic counts available in the area. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is in the developing tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the developing tier.

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

### **Staff Analysis of Traffic Impacts**

The site's primary impact would occur at the MD 5/Surratts Road intersection, which is signalized. Staff has recent counts at this location that were extensively analyzed in a recent previous case. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be *de minimus*. A 550-seat church of 35,000 square feet would the site would generate 5 AM and 5 PM peak-hour trips, and the definition of *de minimus* in the guidelines indicates that the site is eligible because this application is "a development which generates five or fewer peak-hour trips."

During review of 4-06018 for Ghoushe Property, a 14-lot subdivision, the transportation staff determined the critical intersection of MD 5 and Surratts Road would operate unacceptably under existing, background, and total traffic. Furthermore, it was determined that, short of constructing the planned interchange at this location, there are no likely at-grade improvements that can be made to the intersection that will be effective or feasible, and for these reasons a recommendation of disapproval was made for the subdivision. The subdivision was subsequently withdrawn, and was never heard by the Planning Board.

Nonetheless, given that the guidelines clearly allow this site to be considered *de minimus*, the transportation staff would, therefore, recommend that the Planning Board find that 5 AM and 5 PM peak-hour trips will have a *de minimus* impact upon delay in the critical movements at the MD 5/Surratts Road intersection.

It is noted that this analysis is limited to church facilities. The applicant has indicated that there are no plans to construct day care, private school, or other types of uses that may be more trip-intensive. Although adequacy has been determined, the plan should be approved with a trip cap consistent with the development quantity that has been assumed.

Dangerfield Road is a master plan collector. The submitted plan correctly shows dedication of 40 feet from centerline.

### **Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the existing fire engine

service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.41 minutes, which is beyond the 3.25-minute travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.41 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road has a service travel time of 10.88 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

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

11. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future commercial developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 commercial developments.

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

12. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that private on-site stormwater management is required. Stormwater Management Concept Plan 10858-2006-00 has been approved with conditions. The applicant must provide stepped rip-rap plunge pools at the stormdrain outfall. The application is subject to DPW&T review and approval. Development must be in accordance with this approved plan.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Bethel Deliverance Outreach Ministry property and has no comments to offer.

14. **Archeology**—A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

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

15. **Historic Preservation**—The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, September 21, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator