

C O R R E C T E D R E S O L U T I O N

WHEREAS, Marlboro Meadows Baptist Church is the owner of a 5.93-acre parcel of land known as Parcel 176, Tax Map 108 in Grid E-1, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 17, 2006, Marlboro Meadows Baptist 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 4-06070 for Marlboro Meadows Baptist 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 January 4, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 4, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-06070, Marlboro Meadows Baptist Church for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan, the stormwater management concept approval letter and the associated concept plan shall be submitted to the file and the approval number and date noted on the preliminary plan.
2. The applicant and the applicant's heirs, successors, and/or assigns shall provide a standard sidewalk along the subject site's entire frontage of Dower House Road, unless modified by DPW&T.
3. The applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of "Share the Road with a Bike" signage along the subject site's frontage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

4. Total development within the subject property shall be limited to *~~12,300~~27,300 square feet of church facilities and a 75-student day care facility, or equivalent development which generates no more than 33 AM peak hour, 33 PM peak hour, and 343 Sunday peak hour vehicle trips. Any development generating a traffic 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.
5. At the time of final plat approval, the applicant shall dedicate right-of-way along Dower House Road of 40 feet from centerline, as shown on the submitted plan.
6. Dower House Road at the site entrance: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Construction of acceleration and deceleration lanes along westbound Dower House Road in accordance with DWP&T requirements.
 - b. Construction of a left-turn lane along eastbound Dower House Road in accordance with DWP&T requirements.
7. Development must be in accordance with the approved stormwater management concept plan and any subsequent revisions.
8. An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.
9. 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.
10. Any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the preliminary plan prior to signature approval.

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition

11. The abandoned shallow well found along the property line to the right of the existing barn must be

backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location of the shallow well shall be illustrated on the preliminary plan prior to signature approval.

12. A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note shall be added to the preliminary plan prior to signature approval that requires that the structures are to be razed and the well properly abandoned/sealed before the release of any building permit.

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 Tax Map 108 in Grid E-1, consisting of parcel 176. The property is presently cleared and is approximately 5.93 acres. The property is zoned R-R.
3. The subject property is located across from Rosemont Street along the north side of Dower House Road, approximately 2,000 feet west of its intersection with MD 223.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING R-R Residential (To be razed)	PROPOSED R-R Church and Day care (Institutional) (27,300 square feet)
Zone		
Use(s)		
Acreage	5.93	5.93
Lots	0	1
Parcels	1	0
Public Safety Mitigation Fee	0	None

5. **Subdivision**—The subject property is zoned R-R. While the subject application is not proposing any residential development, it is possible that a residential use could be provided. Because there exist 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.

6. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-06070, received by the Environmental Planning Section on July 31, 2006. The site has no regulated features and is exempt from the provisions of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. The Environmental Planning Section has no previous records for this site. The proposal is for the construction of a church on one lot in the R-R zone.

SITE DESCRIPTION

This 5.93-acre property in the R-R zone is located on the northeast side of Dower House Road where it intersects with Rosemont Street. Regulated features, such as streams, wetlands, and 100-year floodplain do not occur on the property. Based on the most recent *Air Installation Compatible Use Zone Study* released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant. The soils found to occur according to the Prince George's County Soil Survey are Beltsville, Galestown, Mattapex, Sandy Land, and Sassafra. According to available information, Marlboro clay is not found to occur on this property. 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. There are no designated scenic and historic roads associated with this site. This property is located in the Charles Branch subwatershed of the Patuxent River Basin and in the Developing Tier as reflected in the 2002 adopted General Plan. The site is not within any network of the Countywide Green Infrastructure Plan.

ENVIRONMENTAL REVIEW

A staff signed Natural Resources Inventory, NRI/082/06, was submitted with the application. There are no regulated features on this site. The site contains a small area of scattered trees on the northeast portion of the property. The NRI correctly shows all of the required information and the Preliminary Plan is consistent with the NRI. No further action is required with regard to sensitive environmental features on this site.

This property is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans.

A letter of exemption was issued for this site on June 19, 2006. The exemption has an expiration date two years from the date of issuance. A copy of the exemption letter is required with any permit applications for this site. No further information is required regarding woodland conservation.

Dower House Road is a master plan collector roadway. Based on the most recent *Air Installation Compatible Use Zone Study* released to the public in August 1998 by the Andrews Air Force

Base, the site is located within the 65-70 dBA Ldn noise contour of the study. Because this is a non-residential project, no mitigation is required.

The application did not include a stormwater management concept approval letter or conceptual stormwater management plans. The submitted plans do not indicate how stormwater runoff from this site will be controlled. This information is required prior to signature approval of the preliminary plan. Prior to signature approval of the preliminary plan, the stormwater management concept approval letter and the associated concept plan should be submitted.

Water and Sewer Categories

The water and sewer categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated December 2003.

7. **Community Planning**—The subject property is located on the north side of Dower House Road at Rosemont Street. It is 5.93 acres in size and the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* classified this property in the R-R Zone. According to the 2002 General Plan this application is located in 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. Currently, there is an existing house and barn, which are to be razed. The remainder of the property is cleared. The Proposal is to construct a 28,000 square foot church. The 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* proposes low suburban residential land use at up to 2.6 dwelling units per acre. Churches are generally allowed in residential zones as integral elements of residential communities. This application is not inconsistent with the 2002 General Plan Developing Tier policies. This application for a church in a residential area conforms to the recommendations of the 1994 Melwood-Westphalia Master Plan for low-suburban land use.
8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the use proposed is non-residential.
9. **Trails**—Preliminary Plan 4-06070, Marlboro Meadows Baptist Church was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails. The *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* designates Dower House Road as a master plan bikeway (see recommendation 10, page 153). Currently, the majority of Dower House Road is open section, with no sidewalks. Sidewalks have been built along the south side of the road in the vicinity of Foxley Road. Sidewalks are absent from the rest of the road, including the frontages along both sides of the subject site.

Public facilities in the area include Melwood Elementary School, James Madison Middle School, and Sherwood Forest Community Park along MD 223 (Woodyard Road). The master plan

recommends a side path along MD 223, which will accommodate pedestrians and cyclists along this road.

In order to facilitate pedestrian access in the community, staff recommends the provision of a standard sidewalk along the subject site's frontage of Dower House Road. This is in anticipation that ultimately sidewalks may be desired along the entire length of the road in order to safely accommodate pedestrians walking between residential communities and to the nearby public facilities. The master plan bikeway can be accommodated with bikeway signage and bicycle compatible road improvements such as paved shoulders or wide outside curb lanes.

10. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 5.93 acres of land in the R-R zone. The property is located on the northeast side of Dower House Road at Rosemont Street, approximately 2,000 feet west of its intersection with MD 223. The applicant proposes church facilities of approximately *~~12,300~~27,300 square feet, along with day care services for 75 students.

Due to the uses proposed, staff deemed that a traffic study should be done. It was determined that the Sunday analysis should be limited to the site access, while the weekday analysis would be extended to the nearest major intersection. The resulting study has been referred to the county Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA), and the comments from these agencies were received. 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.

*Denotes correction

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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 intersection of MD 223 and Dower House Road, along with the site access point along Dower House Road, are determined to be the critical intersections for the subject property. As noted earlier, it was determined that the Sunday analysis should be limited to the site access, while the weekday analysis would be extended to the nearest major intersection. Both critical intersections are unsignalized.

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM & PM & Saturday)			Level of Service (LOS, AM & PM & Sat.)		
MD 223 and Dower House Road	264.3*	495.4*		--	--	
Dower House Road and Rosemont Street/site entrance	11.7*	13.0*	10.3*	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

There is a funded project at the MD 223 and Dower House Road intersection in the County Capital Improvement Program (CIP). This project would consist of widening MD 223 and installing signalization at the intersection. Four approved but unbuilt developments that would directly affect the critical intersections were identified. Annual through traffic growth of 3.7 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained:

BACKGROUND TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM & PM & Saturday)			Level of Service (LOS, AM & PM & Sat.)		
	MD 223 and Dower House Road	1,202	1,313		C	D
Dower House Road and Rosemont Street/site entrance	13.8*	16.0*	10.9*	--	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>						

A *~~12,300~~27,300 square foot church with seating for 544 is proposed. Also, a 75-student day care facility is proposed. The following are noted:

- Using rates shown in the Institute of Transportation Engineers' *Trip Generation Manual*, the church would generate 9 AM (5 in and 4 out) and 8 PM (4 in and 4 out) weekday peak hour vehicle trips. During the church's hour of highest usage on a Sunday, it would generate 343 trips (180 in and 163 out).
- Using rates shown in the Institute of Transportation Engineers' *Trip Generation Manual*, the day care facility would generate 60 AM (31 in and 29 out) and 62 PM (30 in and 32 out) weekday peak hour vehicle trips. The use would not generate travel on Sundays.
- The traffic study assumes that 60 percent of trips using the day care facility would be pass-by trips, i.e., the trips would already be on the local roadway; in this case, Dower House Road. This assumption is acceptable. However, the traffic study erroneously omits inclusion of pass-by trips in the analysis. Pass-by trips do not merely disappear, they have a direct impact on traffic operations at the entrance to the site. The analysis on which the findings are based includes the effect of the pass-by trips. With consideration of pass-by trips, the day care use would generate 24 AM (12 in and 12 out) and 25 PM (12 in and 13 out) NEW weekday peak hour vehicle trips.

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With the site added to the local roadway network, the following results are obtained:

TOTAL TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM & PM & Saturday)			Level of Service (LOS, AM & PM & Sat.)		
	MD 223 and Dower House Road	1,216	1,329		C	D
Dower House Road and Rosemont Street/site entrance	17.1*	21.6*	16.8*	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

It is noted that this analysis has is limited to church and day care facilities. The applicant has indicated that there are no plans to construct or operate a 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.

SHA and DPW&T both reviewed the traffic study. SHA had no comments on the study. DPW&T indicated that sight distance was limited at the entrance to the site. In response, DWP&T advises that the applicant should (a) construct acceleration and deceleration lanes along westbound Dower House Road at the site entrance, and (b) construct a left-turn lane along eastbound Dower House Road at the site entrance.

Regarding the CIP project, it is noted that the CIP project at MD 223 and Dower House Road is shown as being fully funded. While several developments in the vicinity of the subject property were previously approved with conditions requiring monetary contribution to DPW&T toward this CIP project, it is should be emphasized that the CIP improvements are currently listed as being fully funded. Therefore, this recommendation does not include a condition for this applicant to contribute toward the CIP project.

Dower House Road is a master plan collector facility. The plan reflects adequate dedication of 40 feet from centerline.

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

11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section

24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The existing fire engine at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 5.82 minutes, which is beyond the 3.25 minutes travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 6.73 minutes, which is within the 7.25 minutes travel time guideline.

The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 6.73 minutes, which is beyond the 4.25 minutes 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 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.

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

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

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

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 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.

13. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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 that the Marlboro Meadows subdivision is exempt from review because it is a non-residential use.

14. **Stormwater Management**—A Stormwater Management Concept Approval letter, CSD 41231-2006-00, was submitted and approved. Development of the property should be in conformance with this approval.

15. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Marlboro Meadows Property. Any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan. The abandoned shallow well found along the property line to the right of the existing barn must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location of the shallow well should be illustrated on the preliminary plan. A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the release of the building permit.

16. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 5.93-acre property. 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 appears from aerial photographs dating from 1938 to 2005 to have been intensively plowed. The house and barns shown on the plan also appear in the 1938 aerial photograph. The surrounding area has also been extensively developed. However, the applicant should be aware that there are several historic properties within a 2-mile radius of the subject property, including Mt. Clare, Melwood Park, Solitude, and St. Luke's Church Site.

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

17. **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.

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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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, January 4, 2007, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 25th day of January 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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