



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 10-129(A)

File No. DSP-09037

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

~~*[WHEREAS, in consideration of evidence presented at a public hearing on December 16, 2010, regarding Detailed Site Plan DSP-09037 for Horeb Haitian Seventh Day Adventist Church, the Planning Board finds:]~~

*WHEREAS, DSP-09037 for Horeb Haitian Seventh Day Adventist Church was approved by the Planning Board on December 16, 2010, and PGCPB Resolution No. 10-129 was adopted on January 13, 2010; and

*WHEREAS, on June 20, 2011, the District Council elected to review this case; and

*WHEREAS, on May 19, 2011, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to further evaluate stormwater management and grading on the subject property, landscaping meeting and exceeding the requirements of the 2010 Prince George's County Landscape Manual, methods of paving, citizen outreach, conforming to prior conditions of approval, allowing all persons who wish to do so be allowed to register as persons of record; and other matters; and

*WHEREAS, in consideration of evidence presented at a second public hearing on March 29, 2012 regarding DSP-09037 for Horeb Haitian Seventh Day Adventist Church, the Planning Board made the following amended findings:

1. **Request:** The subject application is a request for approval of a 3,302-square-foot addition to an existing 3,329-square-foot residence to establish a 6,631-square-foot church on the property, including a rectory.
2. **Location:** The project is located on the western side of Powder Mill Road, approximately 500 feet south of its intersection with Cherry Mill Drive.
3. **Surrounding Uses:** The subject property is surrounded by single-family detached residential development in the Rural Residential (R-R) Zone to the north, west, and south; and the 120-foot right-of-way (ROW) of Powder Mill Road (MD 212) to the east, with single-family detached residential development beyond.

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4. **Previous Approvals:** The site was the subject of Preliminary Plan of Subdivision 4-04110 approved by the Planning Board on February 16, 2006 and memorialized in PGCPB Resolution No. 06-44, adopted by the Planning Board on March 9, 2006. The property is subject to the requirements of Final Plat Book REP 216 @ 15, recorded on October 19, 2006, which supersedes those of the relevant preliminary plan. The site is also the subject of approved Stormwater Management Concept Plan 4800-2008-00 dated December 30, 2008 and valid until December 30, 2011. *The site is also the subject of approved Stormwater Management Concept Plan 4800-2008-01, a revision of Stormwater Management Concept Plan 4800-2008-00 (issued for a church), which is dated January 30, 2012 and is valid until May 4, 2013. This plan superseded the original Stormwater Management Concept Plan, 4312-2005-00, issued for a single-family detached residential unit on the subject site.

5. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Church	Church
Acreage	1.69	1.69
Lots	3	3
Square Footage	3,329	6,630.8
Dwelling Units	1	1
Number of seats in the sanctuary	0	259

Parking Required:

Church	
seats (one space per 4 seats)	65 spaces
Rectory	2 spaces
Total Parking Required:	67 spaces
Number of handicap parking spaces required:	3

Parking Provided:

Church	65 spaces
Rectory	2 spaces
Total Parking Provided:	67 spaces
of which are handicap spaces	3

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Parking Space Type	Parking Space Size	Number of Spaces
Standard	8 feet by 19 feet	45
Compact	7 feet by 16½ feet	22 (20 percent of total spaces)
Handicap	9½ feet by 19 feet	3 (with aisle)

A condition of this approval requires correction, as necessary, of the above schedule in accordance with the requirements of Section 27-558 of the Zoning Ordinance.

6. **Design Features:** The proposed church addition is connected to the existing building in an “L” configuration in the southwestern corner of the site. The architecture of the proposed new addition is compatible with the existing rectilinear structure in color and material, but has an enhanced architectural vocabulary of form and massing, architectural embellishment, and fenestration. Whereas the existing building has fenestration that includes a variety of styles and shapes in a disorganized pattern, the proposed addition has primary central features that are flanked on all sides by additional symmetrical fenestration and architectural detail producing a pleasing architectural composition. Wooden French doors create the primary front entranceway, with a semicircular window and a pedimented roof feature above. A circular decorative window is located above that feature and just below the apex of the roof. The flanking symmetrical window features are set in stucco and pick up the semicircular motif of the window above the front entry doors and provide additional light into the interior. A rectilinear window is located in the upper limit of what would be a first story, with a second decorative window above.

The primary exterior material on both the existing building and the proposed addition is vinyl siding, with fiberglass shingles on the existing portion of the roof, and specified in the same color on the new addition. The rear of the church is largely of the same design, though the existing church structure has an even more irregular pattern of windows in the back, of less decorative style. The same materials are utilized, except for the addition of painted concrete masonry units (CMU) on the watertable and a standing seam metal roof on a nave-like projection on the new portion of the building. Both it and the addition wall on either side are punctuated with double-hung windows. The plan indicates an existing air conditioning condenser approximately midway along the rear wall of the existing portion of the rear of the church, with four similar units located at either end of the new portion of the church. A condition of this approval requires that the air conditioning condenser units be screened.

The new addition predominates on the side elevations of the church. A pleasing pattern of fenestration creates a rhythm to the façades, echoing a similar pattern with rectilinear windows on the first story and rectilinear windows with a semicircular addition above on the second. Both have painted CMUs on the water table, with single-paneled entrance doors.

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*The site is landscaped along the site's Powder Mill Road frontage, in the parking lot, and along the site's western and northern boundaries as well as at the edge of the parking areas. Additional plantings have been included along the site's northern and western boundaries in order to address Point E of the District Council's Order of Remand. The parking lot and travelways have been specified to utilize EP Henry's ECO Line of permeable interlocking concrete pavement (PICP) systems, which allow rainwater to infiltrate into the ground.

7. **Conformance to the applicable sections of the Zoning Ordinance:** The detailed site plan is in conformance with Section 27-441, Uses Permitted in residential zones. The proposed church is a permitted use in the R-R Zone. The detailed site plan is also in conformance with Section 27-442, Regulations in Residential Zones.

The subject detailed site plan includes parking in the front yard of the church, which is discouraged by Footnote 52 of the Residential Use Table, Section 27-441 of the Zoning Ordinance. The footnote states that "when possible, there should be no parking or loading spaces located in the front yard." The applicant has posited the justification that siting it in this manner will actually reduce impacts on the surrounding single-family detached residential neighborhoods instead of increasing such impacts as was in all likelihood the assumption upon which Footnote 52 was based. As mitigation for placing the parking in the front yard, the applicant points to the topography of the site, which is depressed in the front yard of the church and makes parked cars somewhat less visible from Power Mill Road. The Planning Board finds this justification valid as the location of the parking in front of the church will generally reduce the overall impact of the parking lot on surrounding residential properties.

8. **Prince George's County Landscape Manual:** The project has been evaluated against the requirements of the **2010 Prince George's County Landscape Manual*, as recently revised. The project is subject to the requirements of Section 4.2 regarding the Powder Mill Road *frontage; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; [and] Section 4.7, Buffering Incompatible Uses, along the northern, western, and southern property *lines; and Section 4.9, Sustainable Landscaping Requirements. The landscape plan *originally referenced[s] incorrect sections of the recently revised Landscape *Manual[, but there is sufficient space provided to plant in accordance with the specifications of Sections 4.2 and 4.7 of the new Prince George's County Landscape Manual. A condition of this approval requires that the applicant correct the plans to reflect the requirements of the Landscape Manual, and the Urban Design Section as designee of the Planning Board review the revision prior to signature approval to ensure conformance with the manual's new requirements.] The landscape plan has been revised to cite the correct sections to meet and exceed the requirements of the Landscape Manual.

9. **Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans.

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A standard exemption was issued for this site on February 12, 2009 and no tree conservation plan is required at this time.

10. **Conformance to the requirements of Final Plat of Subdivision REP 216 @ 15:** The site is the subject of Preliminary Plan 4-04110, Baumann Subdivision. The preliminary plan was originally adopted by the Planning Board on March 9, 2006 (Resolution No. 06-44). The approved preliminary plan included a variation from Section 24-121(a)(3) of the Subdivision Regulations for Lots 1 through 3 to allow access onto Powder Mill Road. The property was recorded in Plat Book REP 216 @ 15 on October 19, 2006. The recorded plat contains eight notes, of which the following plat notes in **bold face** type relate to the review of this application:

3. **Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.**

In a memorandum dated October 26, 2010, the Department of Public Works and Transportation (DPW&T) noted that the detailed site plan is not consistent with the approved Stormwater Management Concept Plan (4800-2008), dated December 30, 2008. ~~*[However, a recommended condition below would require that the applicant provide clarification from DPW&T that the subject plan is, in fact, in conformance with the requirements of the relevant stormwater management concept plan prior to signature approval.]~~ However, in response to the District Council's Order of Remand, the applicant applied and received approval for Stormwater Management Concept Plan 4800-2008-01, which was approved by DPW&T on January 30, 2012 and is valid until May 4, 2013. The revised stormwater management plan is consistent with the subject detailed site plan.

10. **The driveway to each lot shall be designed with a turn-around capability in order to minimize the need for vehicles backing onto MD 212. This shall be reviewed at the time of building permit.**

The condition above requires that any driveway on MD 212 have a turn-around capability. Given that the plan now has the two existing driveways serving a circulation pattern within the site, the intent of not having vehicles backing from the subdivision onto MD 212 is met by the site plan and it is nominally in compliance with the condition. Further, though SHA has required closure of the northern access to the property, this plan is still in nominal compliance with the intent of the condition to not have vehicles backing onto the main roadway.

11. **Further Planning Board Findings and Comments from Other Entities:** This application was referred to the concerned agencies and divisions. ~~*[The referral comments are summarized as follows:]~~

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*The remanded detailed site plan was also reviewed by the Planning Board with respect to permit review, environmentally-related matters, other matters contained in the Order of Remand, and referred to the Department of Public Works (DPW&T) in preparation for the remand hearing. Additional comments are included underlined and in boldface type below.

- a. **Historic Preservation**—The proposed project would have no effect on identified historic sites, resources, or districts.
- b. **Archeological**—A Phase I archeological survey would not be recommended on the subject site. The current building on the property was constructed in 1954. 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 applicant should be aware however that there are 15 archeological sites, eight prehistoric, six historic, one multicomponent pre-historic and historic archeological site, two county Historic Sites, the Sellman House (61-012) and the Gallant House (61-013), and one Historic Resource (65-001) located within one mile of the subject property. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), a further archeological survey may be required if state or federal monies, or federal permits are required for the project.
- c. **Community Planning**—The subject application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developing Tier. The application conforms to the low-density residential land use recommendations of the August 2009 Subregion 1 Preliminary Master Plan and Proposed Sectional Map Amendment.
- d. **Transportation Planning**—The Planning Board makes the following transportation-related findings:
 - (1) The applicant is proposing to utilize and expand an existing residence on the site for use as a church. The church is proposed to be 6,631 square feet with a capacity of 259. Access would remain unchanged from the current situation, and that is acceptable. Circulation within the site would allow access to the two large parking areas, and that is also acceptable.
 - (2) The site was subdivided under Preliminary Plan of Subdivision 4-04110, Baumann Subdivision, and the three lots that comprise the site were platted pursuant to that subdivision plan. The approving resolution (PGCPB Resolution No. 06-44) for Preliminary Plan of Subdivision 4-04110 contains two transportation-related conditions stated below.

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9. **At the time of final plat approval, the applicant shall dedicate a right-of-way along MD 212 (Powder Mill Road) of 60 feet from the centerline of the existing pavement, as shown on the submitted plan.**
10. **The driveway to each lot shall be designed with a turn-around capability in order to minimize the need for vehicles backing onto MD 212. This shall be reviewed at the time of building permit.**

The original preliminary plan considered a variation request for access to an arterial facility, Powder Mill Road (MD 212). Since that time, MD 212 along the frontage of the subject site was downgraded to a collector facility by the Subregion 1 Preliminary Master Plan and Proposed Sectional Map Amendment (SMA).

The variation request, which would not be needed if the subdivision were processed today, limited the site to two curb cuts, one single driveway, and one wide curb cut serving two driveways. Given that the site plan utilizes two curb cuts, it nominally complies with the access scheme envisioned by the preliminary plan.

The original preliminary plan assumed three residential lots. It assumed the retention of the existing residence on a lot with the construction of two additional residences on the two new lots. This development would have generated 2 AM and 3 PM weekday peak-hour vehicle trips. The proposed use as a church would generate 2 AM and 3 PM weekday peak-hour vehicle trips. However, the use would generate 155 Saturday peak-hour trips as well, a trip quantity far in excess of that which would be generated by a three-lot residential subdivision (three Saturday peak-hour trips). While this quantity of Saturday peak-hour trips poses a transportation adequacy concern, adequacy issues are not legally addressed during detailed site plan review. Adequacy would have routinely been addressed during preliminary plan review, but this applicant never indicated any intention to utilize the subdivision to construct a church. Although the subdivision findings in the resolution approving Preliminary Plan of Subdivision 4-04110 clearly indicate that any development other than single-family detached residences was not considered, neither of the transportation-related conditions caps the development on this site.

It is preferable that the adequacy issue would be resolved by means of a new preliminary plan of subdivision, but it is not clear that there is a legal means to cause this to occur. It is deemed that the site plan can move forward, but we do not recommend that the site plan be approved with a condition similar to the type

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of trip cap condition that is normally written at the time of preliminary plan, that would prevent intensification of the weekend use and prevent greater trip generation during the critical weekday peak hours. The Planning Board has not included such a condition in the approval as there is no legal basis for the suggested condition in the context of a detailed site plan review.

As noted earlier, MD 212 along the frontage of this site is a master plan collector facility. Sufficient right-of-way in accordance with the master plan recommendation has already been dedicated.

The site plan *is ~~[to be]~~ acceptable from the standpoint of transportation.

e. **Subdivision**—The Planning Board makes the following subdivision-related findings:

- The property is known as Lots 1, 2, and 3 of the Baumann Subdivision, located on Tax Map 18 in Grid B-2, and measures 1.60 acres. The property is currently improved with a 3,329-square-foot, single-family detached dwelling and is in the R-R Zone. The applicant has submitted the subject DSP to convert a 3,329-square-foot, single-family detached dwelling into a 6,631-square-foot church with a rectory and parking.
- The site is the subject of Preliminary Plan of Subdivision 4-04110, originally adopted by the Prince George's County Planning Board on March 9, 2006 (PGCPB Resolution No. 06-44). The approved preliminary plan included a variation from Section 24-121(a)(3) of the Subdivision Regulations for Lots 1–3 to allow access onto Powder Mill Road. The property was recorded in Plat Book REP 216 @ 15 on October 19, 2006. The recorded plat contains eight notes, which supersede the requirements of the preliminary plan. Please see Finding 10 for a detailed discussion of the subject project's conformance to the requirements of those notes.
- In evaluating the site plan and record plat, there are some inconsistencies. On the site plan, the boundaries of the lots north of Lot 3 are not consistent with the record plat. The northwest corner of Lot 3 on the site plan does match the record plat.
- On the site plan, in the site development analysis, it states that the property is located in Tax Map 19, Grid B-1, which is incorrect. The property is located in Tax Map 18, Grid B-2. This needs to be corrected.

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- On the site plan, the general site information section is missing a considerable amount of normally standard information. The general site information should have information about each of the lots on the property, a note on the preliminary plan, a note on the stormwater management concept plan, and a note on the Type 2 tree conservation plan.
 - Pursuant to the Subdivision Regulations, a preliminary plan is not required. The approved Preliminary Plan (4-04110, PGCPB Resolution No. 06-44) for the subject property was for three single-family lots. The current DSP for the subject property is converting the existing 3,329-square-foot, single-family detached dwelling into a 6,631-square-foot church with a rectory and parking on the three lots. The proposed use of a church was not contemplated in the findings of the approved preliminary plan; however, there are no conditions in the resolution of the preliminary plan to cap the use of the three single-family lots. There was no trip cap established at that time and no legal basis for inclusion of a condition for a cap on the development at the time of detailed site plan review. Once a determination is made that a new preliminary plan is not required, the inclusion of this condition would be inappropriate.
- f. **Trails**—The applicant is required to provide funds to purchase and install one “Share the Road with a Bike” sign by Plat Note 7 of Final Plat REP 216 @ 15.
- g. **Permit Review**—Permit issues have either been addressed by revisions to the plans or by conditions of this approval. *In a memorandum dated December 15, 2011, the Permit Review Section offered numerous comments on the remanded detailed site plan that have either been addressed by revisions to the plans or by conditions in the Recommendation section of this technical staff report.
- h. **Environmental Planning**—The Planning Board makes the following environmentally-related findings:
- A Natural Resources Inventory (NRI/016/06) and a Preliminary Plan of Subdivision (4-04110) for the subject property under the project name Baumann Subdivision was previously reviewed and its approval formalized in PGCPB Resolution No. 06-44.
 - The subject site is zoned R-R and is located on the west side of Powder Mill Road where it intersects with Collier Road. A review of the available information indicates that streams, wetlands, and 100-year floodplain are not found to occur on the subject property. Powder Mill Road is classified as an arterial road; however, no residential or residential-type uses are proposed. Noise mitigation is

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not required at this time. The soil found to occur according to the *Prince George's County Soil Survey* is in the Sassafras series. 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, Wildlife and Heritage Program, 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 adjacent to this property. This property is located in the Paint Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

Review of Previously Approved Conditions

- The following text addresses a previously approved environmental condition for this site. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

Conformance with Preliminary Plan, 4-04110

2. **Prior to the issuance of permits, a Type II tree conservation plan shall be approved.**

This site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. A Type 2 tree conservation plan is not required at this time.

- A signed Natural Resources Inventory (NRI/016/05) was included in the preliminary plan submittal. Information in the NRI indicates that there are no woodlands on the site.
- This property is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. A standard exemption was issued for this site on February 12, 2009. A tree conservation plan is not required at this time.
- Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on properties that require a tree conservation plan or letter of exemption. Properties zoned R-R are required to provide a minimum of 15 percent of the gross tract area in tree canopy.

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The overall development has a gross tract area of 1.69 acres and as such, tree canopy coverage of 0.25 acre, or 10,890 square feet, is required. This project proposes to preserve 60 existing mature trees on the site in addition to planting 15 oak trees. Based on a review of the aerial photographs showing the on-site trees, it appears that the requirement can be met with the existing trees. The tree canopy area of the on-site individual trees can be calculated using the methods described in the Environmental Technical Manual, page D-2.

A copy of the tree canopy worksheet will need to be completed and provided on the plan.

Environmentally-related conditions of approval have been included as necessary.

*In response to the environmentally-related conditions in the Order of Remand dated March 13, 2012, the Planning Board stated:

*The Planning Board previously reviewed a Natural Resources Inventory (NRI/016/06), Preliminary Plan of Subdivision (4-04110), and Detailed Site Plan (DSP-09037) for the subject property. Upon review of the detailed site plan application by the District Council, the application was remanded to address stormwater management design, among other concerns.

*The Planning Board then stated in response to the District Council's Order of Remand.

*(1) Item A of the Order of Remand, dated July 11, 2011, states the following:

The applicant must submit into the record a stormwater management concept plan approved by the Department of Public Works and Transportation (DPW&T), a revision of Stormwater Management Concept Plan 4312-2005-00.

*The applicant has submitted for the record a revised Stormwater Management Concept Plan (4800-2008-01) which was approved by DPW&T on January 30, 2012. The numbering system utilized by DPW&T indicates that the current approval is the first revision (4800-2008-01) to the original approval (4800-2008-00).

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*(2) Item B of the Order of Remand, dated July 11, 2011, states the following:

The Planning Board should thoroughly address grading and stormwater management on the subject property. The record indicates that the issues were reviewed when the Planning Board first heard this case but the Board's resolution, PGCPB No. 10-129, does not indicate that the Board considered all stormwater impacts on surrounding residential properties. The resolution states that the subject DSP "is not consistent" with the approved stormwater management concept plan, dated 30 December 2008. On remand, the Planning Board should consider all stormwater effects on surrounding properties.

*The approval letter for Stormwater Management Concept Plan 4800-2008-01, approved by DPW&T on January 30, 2012, states that the revision was approved in order to be consistent with the proposed detailed site plan. The stormdrain and stormwater management layout shown on the revised DSP submitted for the record is consistent with the layout shown on the approved stormwater management concept plan.

*The approved concept includes an underground stormwater management system consisting of a stormceptor structure and underground storage. These structures are proposed to meet required water quality and quantity controls. The on-site system is proposed to connect to an existing off-site stormdrain system along Cherry Mill Drive.

*All proposed grading is designed to direct stormwater to three proposed inlets on-site and away from surrounding properties, thus protecting surrounding properties from stormwater impacts from the proposed project.

*(3) Item D of the Order of Remand, dated July 11, 2011, states the following:

Staff, applicant, and Planning Board must review again the method for covering the proposed parking lot. The applicant proposes gravel. The material and method used should provide a pervious lot surface, to allow stormwater to infiltrate the ground beneath the parking area and minimize stormwater levels at the edge of the property. The applicant should consider materials and techniques other than gravel, such as pervious pavers, to provide a permanent parking surface that permits stormwater infiltration.

*The applicant shall use "eco pavers" as a method for covering the proposed parking lot, as shown on the DSP. A note on the DSP indicates that "eco pavers" are a permeable pavement system and a detail has been provided on Sheet A-5 of the DSP.

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*The revised and approved Stormwater Management Concept Plan, 4800-2008-01, continues to show the method for covering the proposed parking lot as gravel; however, permeable pavers are generally preferable to gravel for stormwater management purposes.

*The final plans shall be reviewed for conformance with the above recommendations when the site's building permit is submitted for review.

- i. **Fire/EMS Department**—The Prince George's County Fire/EMS Department offered no comment.
- j. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated October 26, 2010, DPW&T stated that all storm drainage systems and facilities are required to be designed in accordance with DPW&T specifications and standards. Additionally, * in that memorandum, staff noted that the detailed site plan is not consistent with the approved Stormwater Management Concept Plan, 4800-2008, dated December 30, 2008. ~~*[A condition of this approval requires the applicant to submit confirmation from DPW&T that the subject plan is in accordance with the relevant approved stormwater management concept plan or any revisions thereto prior to signature approval of this project.]~~

*Subsequently, the applicant revised their plan specifically in order to be consistent with the proposed detailed site plan as stated in approved Stormwater Management Concept Plan 4800-2008-01, dated January 30, 2012. Additionally, a representative of DPW&T on March 13, 2012, offered the following more detailed information regarding stormwater management on the subject site:

- *• There is no flood plain in the area, nor any evidence of flooding downstream in the vicinity of the subject site.
- *• Even if there were floodplain nearby, the site is small (1.69 acres) and is proposed at almost 50 percent green or pervious, which in any case would not cause a flooding hazard.
- *• The site is exempt from county stormwater management quantity control due to the presence of the above factors regarding the subject site.
- *• The site is, however, subject to stormwater management quality control.
- *• Water quality is to be handled by two stormceptors underground, which treat the first inch of runoff, where most pollutants are located.

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- *• The stormceptors will capture the first inch of stormwater runoff and remove most pollutants, discharging a much cleaner effluent to the stormdrain system.
- *• The stormdrain pipe located in Powder Mill Road was designed with a greater diameter than normally required so that it is able to capture not only the runoff from a 10-year storm as required, but the much greater runoff from a 100-year storm as well.
- *• The proposed stormdrain pipe connecting to the existing system under Powder Mill Road was analyzed for adequacy and was found capable of carrying the extra runoff.
- *• The representative of DPW&T stated that the pre-development stormwater management condition for the site does not vary significantly from the post-development condition.
- *• Additionally, the representative stated that pervious pavement is superior to gravel in terms of its permeability and that replacing the currently specified gravel on the approved stormwater management concept plan would actually reduce the amount of stormwater runoff.

k. **Maryland State Highway Administration (SHA)**—In a letter dated September 21, 2010, SHA offered the following comments:

- The subject property is located on the west side of MD 212 (Powder Mill Road), a state-owned and maintained roadway, classified as a state secondary undivided highway with an annual average daily trip volume of 23,281 in the vicinity of the proposed development.
- In order to ensure safe ingress and egress, traffic operations from the proposed site will require closure of the northerly entrance. An access permit for entrance closure, grading within the SHA right-of-way, and modification of the southerly entrance will be required from this office. The permit plans shall be prepared and submitted for review and approval to SHA and should be designed in accordance with SHA standards.
- SHA requires that right-of-way dedications/donations as shown on the plan be platted to SHA standards. Such plats must be submitted in hard copy format for review, checking, and final issuance. SHA then offered contact information for appropriate SHA personnel for the applicant's use.

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- Due to the size and scope of the proposed improvement, SHA recommends that The Maryland-National Capital Park and Planning Commission (M-NCPPC) require traffic impact analysis. SHA would need six copies of the traffic study for their review and comment.
- Any utility relocation, adjustment, or connection within the SHA right-of-way would require a permit from SHA District 3 Utility Engineer. SHA then offered appropriate contact information to assist the applicant in obtaining that needed approval.

In a subsequent telephone conversation on December 6, 2010, a representative of SHA stated that the revised plans showing the northern access closed were acceptable. He suggested, however, that a condition of the approval requires that a note be added to the plans stating that the northern access to Powder Mill Road was closed at SHA's request in order to allow the subject project to go forward. Such a condition has been included in the subject approval.

- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered no comment.
 - m. **Verizon**—In an e-mail dated September 22, 2010, a representative of Verizon stated that trees and shrubbery located in the public utility easement (PUE) along Powder Mill Road (MD 212) must be removed. A condition of this approval requires that it be demonstrated that the easement will be unencumbered.
 - n. **Baltimore Gas and Electric (BG&E)**—BG&E offered no comment.
12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
- *13. Additional findings in response to the Order of Remand from the District Council are provided as follows:
- *A. The applicant must submit into the record a stormwater management concept plan approved by the Department of Public Works and Transportation (DPW&T), a revision of Stormwater Management Concept Plan 4312-2005-00.

*The applicant submitted for the record a revised Stormwater Management Concept Plan (4800-2008-01) which was approved by DPW&T on January 30, 2012. The numbering system utilized by DPW&T indicates that the current approval is the first revision (4800-2008-01) to the original

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approval (4800-2008-00). Stormwater Management Concept Plan 4800-2008-00, for a church, superseded and replaced Stormwater Management Concept Plan 4312-2005-00, which was for a single-family house.

*B. The Planning Board should thoroughly address grading and stormwater management on the subject property. The record indicates that the issues were reviewed when the Planning Board first heard this case but the Board's resolution, PGCPB No. 10-129, does not indicate that the Board considered all stormwater impacts on surrounding residential properties. The resolution states that the subject DSP "is not consistent" with the approved stormwater management concept plan, dated 30 December 2008. On remand, the Planning Board should consider all stormwater effects on surrounding properties.

*The approval letter for Stormwater Management Concept Plan 4800-2008-01, approved by DPW&T on January 30, 2012, states that the revision was approved in order to be consistent with the proposed detailed site plan. The stormdrain and stormwater management layout shown on the revised DSP submitted for the record is consistent with the layout shown on the approved stormwater management concept plan.

*The approved concept includes an underground stormwater management system consisting of a stormceptor structure and underground storage. These structures are proposed to meet required water quality and quantity controls. The on-site system is proposed to connect to an existing off-site stormdrain system along Cherry Mill Drive.

*All proposed grading is designed to direct stormwater to three proposed on-site inlets and away from surrounding properties, thus protecting surrounding properties from stormwater impacts from the proposed project.

*C. The approved detailed site plan, DSP-09037, does not reflect compliance with the 2010 Prince George's County Landscape Manual. On remand, the applicant shall revise the site plan to comply with all Landscape Manual requirements.

*The revised landscape plan has been found to conform to the applicable requirements of Sections 4.2, 4.3, 4.4, 4.7, and 4.9 of the 2010 *Prince George's Landscape Manual*.

*D. Staff, applicant, and Planning Board must review again the method for covering the proposed parking lot. The applicant proposes gravel. The material and method used should provide a pervious lot surface, to allow stormwater to infiltrate the ground beneath the parking area and minimize stormwater levels at the edge of the property. The applicant should consider materials and techniques other than gravel, such as pervious pavers, to provide a permanent parking surface that permits stormwater infiltration.

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*The applicant has shall use "eco pavers" as a method for covering the proposed parking lot, as shown on the DSP. A note on the DSP indicates that "eco pavers" are a permeable pavement system.

*The revised and approved Stormwater Management Concept Plan, 4800-2008-01, continues to show the method for covering the proposed parking lot as gravel; however, permeable pavers are generally preferable to gravel for stormwater management purposes.

*Details regarding the proposed permeable pavement system have been shown on the DSP, including paver material and installation requirements, and DPW&T has stated that the proposed permeable pavers are markedly superior to gravel for the purposes of stormwater management.

*E. Staff, applicant, and Planning Board must review the amount and kind of vegetation at the property's edge, particularly on the northern side and at the rear. The Planning Board should consider whether the applicant should replace vegetation that prior owners removed. The vegetation to be replaced, primarily in the rear of the property, would decrease off-site stormwater runoff, mitigate noise and sight disturbances from vehicles on the subject site, and generally improve site appearance.

*The applicant has replaced the vegetation removed by the previous owner and is currently showing more planting than what is required by the 2010 *Prince George's County Landscape Manual*. Whereas 16 shade trees are required in the parking lot perimeter strip, the applicant has provided 22. Whereas 6 shade trees are required in the parking lot, the applicant has provided 8. Whereas 637 plant units are required in the Section 4.7 buffer separating the church from residential use, the applicant has provided 1,820.

*F. Before the Planning Board hearing on remand, the applicant must meet with community members, to discuss concerns raised by residents adjacent to the subject site. At the Board's hearing, the applicant should advise the Planning Board that neighbors' concerns have been received and addressed.

*The applicant met with community members, including adjacent residents, to discuss concerns on Thursday, October 6, 2011 at the Comfort Inn Hotel in Calverton Maryland. A proffered sign-in sheet is evidence of the meeting, indicating that 12 people attended, including a representative from the District Council's office. An address list provided for the attendees indicated that many live in the area surrounding the subject site.

*G. The applicant shall also address any other deficiencies in the present plan, as found by the staff or Planning Board.

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* The applicant, in conformance with this point of the Remand Order, has revised the plans so as to address the majority of other deficiencies in the present plan, as indicated in the recommended conditions of approval in the Planning Board's previous resolution for the project.

*H. On remand, all persons who wish to do so shall be allowed to register as persons of record.

*All persons who wish to register as persons of record for the project were permitted to do so. In addition, the subject site was posted on January 10, 2012 inviting all interested persons who may have not done so previously to register as parties of record.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-09037, subject to the following conditions:

1. Prior to certification, the plans shall be revised or additional documentation submitted as follows:

*a. The applicant shall revise the ~~[plans to]~~ detail of the screen for the mechanical equipment to include all four sides and its location shall be indicated consistently on the plans ~~[from all adjacent properties, from all adjacent dedicated public roads, and from all outdoor living, recreation, and parking areas and entrance drives. Such screening shall be by use of a sight-tight fence or wall, evergreen screen, or a combination of the above options].~~ Final design of said screening shall be approved by the Urban Design Section as designee of the Planning Board.

*~~[b. — The applicant shall submit to the Urban Design Section documentation stating that the subject plan is in conformance with the relevant approved stormwater management concept plan for the property or an approved revision thereto. Additionally, the applicant shall submit confirmation from the Department of Public Works and Transportation (DPW&T) that the relevant stormwater management concept plan for the property is a revision of Stormwater Management Concept Plan 4312-2005-00.]~~

*b. [e-] The dimensions and height of all structures shall be included on the site plan.

*c. [d-] The lighting plan for the project shall be augmented from the one street light currently shown on the north side of the driveway apron for the project to ensure that adequate lighting will be provided throughout the site. Final design of such lighting shall be approved by the Urban Design Section as designee of the Planning Board.

~~*[e. — The centerline of Powder Mill Road shall be labeled "CL" on the site plan.]~~

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- *[f. — The specification for the dumpster fence material shall be revised to read: “a non-white, non-wood, low sheen, durable” material.]
- *d. [g.] The size of the parking spaces shall be revised in accordance with Section 27-558 of the Zoning Ordinance, modifying all 8- by 19-foot spaces indicated on the plan, but not allowed by the Zoning Ordinance. The parking schedule on Sheet A-2 of the plans shall be revised if necessary. Final design of the parking for the project shall be in accordance with all applicable sections of the Zoning Ordinance and be approved by the Urban Design as designee of the Planning Board.
- *[h. — The general notes shall be revised to include whether a Sunday school is included in the church’s operation. If it is conducted at the same time as a church service, additional parking based on one per four seats in the sanctuary shall be provided. In the alternative, if there is to be no Sunday school included in the operations of the church, that information shall be included in the general notes.]
- *[i. — The general notes of the detailed site plan shall be numbered.]
- *[j. — The lot coverage calculations on the detailed site plan shall be revised to include the requirement based on the zoning of the property.]
- *e. [k.] The landscape plan shall [be revised to show a] indicate existing tree cover and the limits of disturbance so that figures in the tree canopy coverage worksheet on the plan [that demonstrates how the] can be verified and conformance to the tree canopy requirement [is being met] can be assured.
- *[l. — Copies of the stormwater management concept plan and letter shall be submitted for inclusion in the case file.]
- *[m. — The applicant shall correct references to “Powdermill Road” to “Powder Mill Road.”]
- *[n. — The applicant shall add a note to the plans stating that the northern access to Powder Mill Road was closed at the Maryland State Highway Administration’s (SHA) request in order to allow the subject project to go forward.]
- *[o. — The applicant shall correct the plans to reflect the requirements of the Prince George’s County Landscape Manual, to be approved by the Urban Design Section as designee of the Planning Board, to ensure conformance with revised requirements effective December 13, 2010.]

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*f. The applicant shall ensure that all necessary revisions to the plans are made consistently throughout the plan set.

*g. The zoning and use of the adjacent property to the south shall be indicated on the plan set.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *


~~*[This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, December 16, 2010, in Upper Marlboro, Maryland.]~~

~~*[Adopted by the Prince George's County Planning Board this 13th day of January 2011.]~~

*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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Squire and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 29, 2012, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 19th day of April 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator


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APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 4/9/12