



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-17

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File No. 4-09011

RESOLUTION

WHEREAS, Calvary Chapel Breath of Life is the owner of a 5.55-acre parcel of land known as Parcel 249, Tax Map 82, in Grid E-4, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R); and

WHEREAS, on September 15, 2009, Calvary Chapel Breath of Life filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09011 for Calvary Chapel Breath of Life, Parcel A 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 February 4, 2010, 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 February 4, 2010, 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/010/09), and further APPROVED Preliminary Plan of Subdivision 4-09011, Calvary Chapel Breath of Life, Parcel A for 1 parcel with the following conditions:

1. Prior to signature approval of preliminary plan of subdivision, general Note 4 shall be revised to water Category 3 and sewer Category 4.
2. A landscape buffer in a ten-foot-wide easement adjacent to the ten-foot public utility easement (PUE) parallel to the land to be dedicated for Westphalia Road, shall be shown on the final plats as a scenic easement and following note shall be placed on the plat:

"The scenic easement described on this plat is an area where the installation of structures 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 permitted."

3. Prior to the approval of the building permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a planting detail for the required ten-foot scenic easement to be

approved by the Environmental Planning Section. The plant unit requirements of Section 4.2 and 4.3 of the *Prince George's County Landscape Manual* shall apply.

4. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Revise General Note 1 to state: "There is no 100-year floodplain on the subject property."
 - b. Revise the worksheet to provide the correct net tract area of 5.55 acres.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, showing evidence that approval conditions and associated mitigation plans have been complied with.
6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the primary management area except for the areas of impact approved by the Planning Board and shall 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."
7. Prior to the approval of the final plat, the following notes shall be placed on the plat:
 - a. Development of this site shall be in accordance with approved Stormwater Management Concept Plan 25047-2009-00 and any subsequent revisions.
 - b. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/010/09), 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 and Tree Preservation Ordinance. This property is subject to the notification provision of County Council Bill CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the office of The Maryland-National Capital Park and Planning Commission, (M-NCPPC) Prince George's County Planning Department.
 - c. The height of buildings and other structures shall be no greater than 300 feet based on the Conical Airspace Imaginary Surface for Andrews Air Force Base (AAFB).

8. 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.
9. The proposed development shall be limited to uses that generate no more than 12 AM and 11 PM peak-hour vehicle trips during the AM and PM weekday peak hours respectively. 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.
10. At the intersection of Westphalia Road and D'Arcy Road, the applicant shall perform a signal warrant study and shall install a traffic signal if deemed to be warranted and approved by the Department of Public Works and Transportation (DPW&T). If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T.
11. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.
12. A Type II tree conservation plan shall be approved before the issuance of any permits.
13. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
14. Prior to the approval of a final plat, the applicant will provide a boundary survey showing the relationship between Parcel A (applicant's property) and Lot 2.

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. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Undeveloped	Church, school, community activity facilities
Acreage	5.55	5.55
Lots	N/A	N/A
Parcels	1	1
Public Safety Mitigation Fee	N/A	N/A

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting on October 10, 2009.

3. **Environmental**—The revised Preliminary Plan of Subdivision 4-09011, the revised Type I Tree Conservation Plan, TCPI/010/09, a revised letter of justification and a visual inventory of properties along Westphalia Road, have been reviewed. A signed Natural Resource Inventory, NRI/015/09, was submitted with this application.

The property has streams and wetlands associated with Turkey Branch in the Western Branch watershed of the Patuxent River basin. No transportation-related noise generators with a classification of arterial roadway or higher have been identified in the vicinity of this property. According to the *Prince George's County Soil Survey*, the principal soils on-site are in the Beltsville, Sassafra and Westphalia series. According to available information, Marlboro clay is not found to occur on this property. Based on information obtained from the Natural Resource Inventory, NRI/015/09, there are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. Westphalia Road is a designated historic road. The property is located in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

Conformance with the February 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)

The subject property is located in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (SMA). There are four policies in the Westphalia sector plan that relate to Environmental Infrastructure. The relevant language of the sector plan is shown in **bold type** and the Environmental Planning Section (EPS) comments are provided in regular type.

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

- **Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossing and utility installations.**
- **Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.**
- **Develop flexible design techniques to maximize preservation of environmentally sensitive areas.**

The subject site is not within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*; however, it contains sensitive environmental features that are part of the primary management area (PMA) and protected by Section 24-130 of the Subdivision Regulations. The stream and wetlands on the subject property are part of the headwaters of Turkey Branch, identified in the plan as a secondary corridor, deserving of special protection. Turkey Branch flows to Western Branch which is a designated primary corridor in other master plans.

The plan proposes some special design techniques to reduce impacts to the PMA, including the use of a retaining wall to reduce the overall amount of grading required, and a significant reduction in the proposed development to reduce the area of disturbance. As noted in Finding 3 below, the proposed impacts have been reduced to result in a recommended finding that the PMA has been preserved to the fullest extent possible in conformance with Sec. 24-130 of the Subdivision Regulations.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

- **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**
- **Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**
- **Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**
- **Encourage shared public/private stormwater facilities as site amenities.**
- **Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground facilities.**

There are no agricultural uses on the subject property. The property has streams and wetlands

associated with Turkey Branch in the Western Branch watershed of the Patuxent River basin and all of the PMA is currently wooded. No stream crossings are proposed, although as noted in Finding 3 below, one could have been proposed to access the developable portion of the subject property to the north.

A Stormwater Concept Plan, CSD 25047-2009-00, was approved by the Prince George's County Department of Public Works and Transportation (DPW&T) on September 3, 2009. The plan shows the use of an underground facility that could be considered a low-impact development technique. No additional impervious surfaces are created by using this technique and the underground storage assists in cooling the water before it is released into the nearby streams. Infiltration facilities such as bioretention areas are not recommended where retaining walls are proposed because of the potential for water to build up behind the retaining wall. The underground facility appears to be the most appropriate method for dealing with stormwater for this site.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

- **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- **Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

There are no existing buildings on the site that could be reused. The Project Fact Sheet, stamped as received by the Environmental Planning Section on November 2, 2009, has an oblique rendering of the main façade of the proposed church. The accompanying text notes the use of design techniques to reduce the energy needs for indoor lighting, heating and cooling.

Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

- **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- **Evaluate development proposals using Phase I noise studies and noise models.**
- **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial**

classification or greater.

- **Provide for the use of appropriate attenuation measures when noise issues are identified.**

There are no nearby sources of traffic-generated noise; however, this property is located within the noise-impact zone for Andrews Air Force Base. According to the 2007 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property are approximately 68 dBA Ldn. These noise levels are within the state noise standards for the proposed use, because residential uses or residential-type uses are not proposed.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

The subject site is not within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

A signed Natural Resource Inventory, NRI/036/08, was submitted with the review package. The NRI indicates that there are streams, wetlands, and steep and severe slopes located on-site. The forest stand delineation (FSD) notes two stands totaling 5.53 acres and includes nine specimen trees. The wetlands, streams and associated buffers shown on the NRI are correctly illustrated on the preliminary plan and the Type I Tree Conservation Plan TCPI/010/09.

Forest Stand A covers approximately 2.11 acres on the higher elevations of the property, particularly on the southern 40 percent. This stand is a mature forest dominated by white oak with an average diameter at breast height of 13 inches. The understory includes sassafras and low-bush blueberry. There are some invasive plants species in this stand. One 34-inch diameter white oak specimen tree was identified in this stand. Forest Stand A has a high priority for preservation because of its excellent species diversity and minimal invasive species.

Forest Stand B covers approximately 3.42 acres located on the lower elevations of this site. It occupies most of the northern 60 percent of the site and includes all of the sensitive environmental features on-site. This stand is classified as a mature, mixed-lowland forest. The dominant species are yellow poplar, red maple and American holly with an average diameter at breast height of 16 inches. The understory contains sweet bay magnolia and high-bush blueberry. There are no invasive plant species in this stand. Eight of the nine specimen trees identified on the property occur in this stand. Forest Stand B has a very high priority for preservation because of the excellent species diversity, location within regulated features, and lack of invasive species.

The site is subject to the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is larger than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The woodland conservation threshold is 1.11 acres. Based upon the proposed clearing, the total woodland conservation requirement has been correctly calculated as 1.78 acres. The plan proposes to meet the requirement by providing 2.85 acres of on-site preservation.

The Type I Tree Conservation Plan, TCPI/010/09, has been reviewed and requires some minor revisions. The plan has an incorrect note. General Note 1 states that there is no floodplain based on a Federal Emergency Management Agency (FEMA) map. FEMA maps cannot be used to determine the location of a floodplain because they reflect only current conditions and not future, developed conditions as required by DPW&T. The note on the approved NRI states that there is no 100-year floodplain and the plan is signed by a qualified professional. The note on the approved NRI should be the only note that appears on the TCPI. The worksheet states that the net tract area is 5.42 acres. For the purposes of woodland conservation review, there are no deductions from the gross tract area. The net tract area should read 5.55 acres.

Environmental Conclusions

Based on the preceding findings, the preliminary plan and the Type I Tree Conservation Plan TCPI/010/09 can be approved with conditions. The recommended conditions address the appropriate protection of the regulated areas.

4. **Primary Management Area (PMA)**—A statement of justification was submitted to address the impacts to the PMA and to provide justification that the PMA has been preserved to the fullest extent possible. Section 24-130(5) of the Subdivision Regulations state:

- (5) **Where a property is partially or totally within the Patuxent River Watershed, the plat shall demonstrate adequate protection to assure that the Primary Management Area Preservation Area is preserved in a natural state to the fullest extent possible.**

The property contains streams and wetlands associated with Turkey Branch in the Western Branch watershed of the Patuxent River basin. The application as currently designed proposes impacts to the PMA that are for the construction of a retaining wall, parking and a building. Staff has indicated that they do not support impacts to sensitive environmental features that are not associated with essential development activities such as public utility lines, including sewer connections stormwater outfalls, street crossings, and so forth, which are mandated for public health and safety.

The property is 5.55 acres and for the purpose of this review the property is divided into three sections as illustrated on applicant's Exhibit 'A'; PMA is 2.70 acres, area north of the PMA is 0.84 acres, and area south of the PMA is 2.01 acres. The PMA and the area north of the PMA are not feasible areas for development; therefore the most developable section of the property is the area south of the PMA. The developable area south of the PMA is along Westphalia Road and consists of 2.01 acres or only 36 percent of the property. The developable area south of the PMA is further encumbered by the following deductions:

Road dedication for Westphalia Road	0.11 acres
Landscape Manual required buffers	0.51 acres
Historic Road required buffer	0.07 acres

Total Deductions 0.69 acres

With these deductions, the developable area south of the PMA drops to 1.32 acres or 23.7 percent of the subject property.

In order to evaluate if the subject application has met the standard of "fullest extent possible" an analysis of "avoidance" and "minimization" was conducted.

Avoidance

The envelope available for development consists of two areas, one to the north of the PMA and one to the south (see applicant's Exhibit 'A'). The portion to the north does not have adequate street frontage to provide access for a church entrance. The only available access to this portion of the property is through the PMA, which would require crossing the stream and a substantial adverse impact to the PMA. A stream crossing on this site was found by the applicant to be infeasible because of the cost and the limited return (only a few parking spaces could be provided on the northern portion of the property); however, by not proposing the stream crossing this impact has been avoided.

Another method to achieve avoidance is to reduce the size of the proposed development. The initial sanctuary was planned to accommodate over 600 seats. The applicant's engineer realized that this size was too large to fit on the subject property. To accommodate the church building on the limited land area, the congregation opted for an additional Sunday service and was able to reduce the size and seating arrangement of the sanctuary accordingly (see applicant's Exhibit 'G'). According to the applicant, given the limited time available on a Sunday morning, there is not sufficient time to schedule any additional services and further reduce the sanctuary size. In addition, the initial facility was designed so that concurrent uses, (i.e., church sanctuary, multi-purpose area and Sunday school) could all be accommodated at the same time. The congregation has eliminated the ability to accommodate concurrent activities and reduced the required parking area which further lessened the PMA impact.

If the proposed church attempted to meet all regulations without a request to encroach into the PMA, the building would be less than 10,000 square feet with an overall lot coverage of approximately 40,000 square feet. With this reduction, the facility could only accommodate a sanctuary seating of approximately 100 people and eliminate practically all outreach programs offered by the church.

Minimization

During the preparation of plans for submittal, and then again during the review of the application, the applicant has sought to reduce the impacts to the PMA as much as possible, while still

providing for the reasonable use of the property. The following figures provide an illustration of the effort undertaken during the review of the subject application.

Initial Application's Encroachment within the PMA:

Wetland disturbance:	0.47 Acres or 20,710 sf
Wetland Buffer disturbance:	0.45 Acres or 19,940 sf
Stream Buffer:	0.02 Acres or 850 sf

Total Initial PMA Encroachment: 0.95 Acres or 41,500 sf

Reduced Encroachment within the PMA:

Wetland disturbance:	-0.18 Acres or -7,536 sf
Wetland Buffer disturbance:	-0.09 Acres or -4,021 sf
Stream Buffer:	-0.01 Acres or -502 sf

Total Initial PMA Encroachment: -0.28 Acres or -12,059*sf

Requested Encroachment within the PMA:

Wetland disturbance:	0.30 Acres or 13,174 sf
Wetland Buffer disturbance:	0.37 Acres or 15,919 sf
Stream Buffer:	0.01 Acres or 348 sf

Total Initial PMA Encroachment: 0.68 Acres or 29,441 sf

***This number is incorrectly shown on the applicant's submission as 12,407 sf.**

In order to achieve these levels of impact, the design shows the construction of a retaining wall along the entire length of the PMA. If the retaining wall was not provided, the grading would extend well into the PMA in order to provide the required slopes for the parking and entrance to the property.

While the current proposal does not eliminate all of the impacts to the PMA, the avoidance achieved by not having a stream crossing and reducing the proposed development, and the minimization provided by the changes in the design and the provision of a substantial retaining wall, provide the means for staff's recommendation that the application preserves the PMA to the fullest extent possible.

Mitigation

As mitigation for the proposed impacts to the PMA, the applicant is proposing to place a conservation easement on the entirety of the undisturbed portion of the property. This includes the PMA and the woodlands to the north of the PMA that exist within a small but developable portion of the property. The provision of a wider stream buffer to the north provides appropriate mitigation for the impacts to the south of the PMA.

Primary Management Area Conclusions

The Planning Board finds that the subject property has an unusually small developable area to the south of the PMA that is further constrained by the Landscape Manual requirements and the provision of a scenic buffer along historic Westphalia Road. These circumstances result in a unique situation whereby the opportunities to avoid and minimize impacts to the regulated environmental features are limited.

The Planning Board finds that the current design avoids impacts to the fullest extent possible by not proposing a stream crossing to join the two developable portions of the subject property and that through the reduction of the proposed development, the design has preserved the PMA to the fullest extent possible.

The Planning Board finds that the current design minimizes impacts to the fullest extent possible by providing a retaining wall.

5. **Westphalia Road, Historic Road**—Westphalia Road, from D'Arcy Road east to Ritchie-Marlboro Road, is a designated historic road because the alignment dates from the third quarter of the eighteenth century, before 1762. Although the Westphalia sector plan SMA has specific strategies for Ritchie-Marlboro Road and Melwood Road, there are only general strategies for Westphalia Road. These include preservation of the scenic and historic views, limiting driveways and avoiding large entrance features.

The June 2004 *Prince George's County Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. In conformance with other subdivisions recently approved, the plan should either provide a Visual Assessment Survey to identify the appropriate viewshed protection measures for this segment of Westphalia Road or provide 40-foot-wide landscape buffers adjacent to the ten-foot public utility easement (PUE) parallel to the land to be dedicated for Westphalia Road. The Visual Assessment may result in more or less of a buffer along the road as indicated by the existing character and features available for preservation.

A visual assessment was received on November 4, 2009. The assessment included approximately 1.20 miles of Westphalia Road west of the subject property and approximately 0.32 miles along Westphalia Road to the east of the subject property. The inventory shows that significant segments of both sides of Westphalia Road have been developed with residential structures. Staff compared the photos and made the following estimates using PGATLAS:

- a. The south side of Westphalia Road from the subject property to approximately 2,400 feet east is developed with single-family detached residential structures, mostly within 45-feet of the right-of-way, and none contain landscape buffers.
- b. The north side of Westphalia Road from the subject property to approximately 500 feet east is developed with single-family detached residential structures, mostly within 30-feet of the right-of-way, and none contain landscape buffers.

- c. The north side of Westphalia Road from the subject property west to Melwood Road is developed with single-family detached residential structures, mostly within 45-feet of the right-of-way, and none contain landscape buffers.
- d. The south side of Westphalia Road from the subject property west to Melwood Road is developed with one single-family detached residential structure set back from the right-of-way.

Overall, most of the Westphalia Road corridor near the subject property lacks special scenic values. The Type I tree conservation plan provides a ten-foot-wide landscape easement adjacent to the ten-foot public utility easement parallel to the land to be dedicated for Westphalia Road. The *Prince George's Count Landscape Manual* requires a ten-foot-wide landscape strip for this type of development. The proposed landscape buffer exceeds the requirements of the Landscape Manual because it is placed farther back than the minimum required.

- 6. **Community Planning**—The land use proposed by this application is consistent 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.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the subject property from the Residential Agricultural (R-A) Zone to the Rural Residential (R-R) Zone as part of SMA Change 14. The land use proposed by this application conforms to the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* for low-density residential development in this area. Institutional uses such as the proposal for a church, Sunday school, and community activity facility are consistent with land uses anticipated in residential communities.

The General Plan and the sector plan do not specifically identify locations for quasi-public institutional uses, such as the proposed church facility, which is often considered an integral part of residential communities and is permitted in nearly all zones. As such, this application for a small church in a residential community is considered to be consistent with Development Pattern goals for the Developing Tier to “maintain low- to moderate-density land uses (except in Centers and Corridors)” (General Plan, p 37) and with the recommendations of the sector plan for land use within residential communities.

- 7. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it is a nonresidential use.
- 8. **Trails**—The plan was reviewed for conformance with the Adopted and Approved Countywide Trails Plan and/or the appropriate area master/sector plan in order to implement planned trails. The subject property is in the area described in the 2007 *Approved Westphalia Sector Plan and Map Amendment*. The plan's bicycle, pedestrian, and trails element policy on page 26 recommends that

trails and bikeways be implemented throughout the Westphalia planning area. Westphalia Road (C-626) is a master-planned road with 80-foot right-of-way (ROW) and two-to-four travel lanes. Westphalia Road is a designated historic road. The plan recommends that a sidepath be implemented along the road for pedestrians and bicyclists. Page 30 of the plan recommends that all "designs should support pedestrian and bicycle activity." Sidewalks are also recommended throughout the area.

The applicant is proposing dedication of land 40 feet from the centerline of the road for the Westphalia Road and D'Arcy Road rights-of-way. This proposed dedication is sufficient to implement a sidepath along Westphalia Road. It is unknown at this time which side of the road will contain the master planned sidepath, but it could be constructed on one or both sides of the road, depending on the ultimate design of the road by the Department of Public Works and Transportation (DPW&T). County standard 100.18 provides for an eight-foot-wide "hiker biker" trail within county rights-of-way.

9. **Transportation**—The application is a preliminary plan of subdivision for a church. The 5.55-acre, R-R zoned property is located in the northeast quadrant of the intersection of Westphalia Road and D'Arcy Road. The Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 8th Edition*, lists churches as having a trip rate of 0.56 trip per 1,000 square feet of gross floor area (GFA) during the AM peak hour, and 0.55 trip per 1,000 square feet of GFA during the PM peak hour. Additionally, the ITE manual shows a trip rate of 11.76 trips/1,000 sq. feet of GFA on Sundays.

The applicant is proposing a building with a total gross floor area of 27,296 square feet. Approximately 6,800 square feet of the proposed building will be used as a gymnasium. The remaining 20,496 square feet will be used as a church as well as other church-related activities. Based on the ITE rates, the proposed church facility (20,496 sq. ft.) would generate 12 AM and 11 PM peak-hour vehicle trips on weekdays, and 241 trips during the peak hours on Sundays.

The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of Westphalia Road and D'Arcy Road. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program:

The subject property is located within the Developing Tier as defined in the 2002 *Approved Prince George's County General Plan*. As such, the subject property is evaluated according to the following standards:

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.

The Westphalia Road/D'Arcy Road intersection, when analyzed with existing traffic was found to be operating with a level-of-service (LOS) of B/12.5 seconds during the AM peak hour and B/11.7 seconds during the PM peak hour. A similar analysis revealed that on Sundays, during the peak hour of operation, the intersection operated with a LOS of A/9.3 seconds.

During the past five years, several developments (including a few large ones) were approved within the Westphalia SMA planning area. Many of those developments will add traffic to the local transportation network, including the subject intersection as background traffic. When the subject intersection was analyzed under total traffic conditions, (background plus site traffic) the resulting LOS was F/999+ seconds during both the AM and the PM peak hour.

Staff is in receipt of a letter from the applicant dated October 1, 2009 outlining the proposed uses associated with the subject preliminary plan. In addition to the traditional Sunday worship and other church-related activities, the applicant proposes the gymnasium use between the hours of 9:00 a.m.–4:00 p.m., 6:00–9:00 p.m. on weekdays, as well as 8:00 a.m.–8:00 p.m. on Saturdays. There is also a Thursday Night Bible Study between 6:30–9:00 p.m. that is being proposed.

While it appears that the proposed uses will generate traffic throughout the day, staff concludes that most of the daily traffic generation will be confined to the off-peak periods. Consequently, staff's finding of adequacy was predicated on the traffic to be generated during the weekday peak hours. In light of this finding, the property should be limited to such uses that generate no more 12 AM and 11 PM peak-hour vehicle trips during the AM and PM peak hours respectively, regarding on-site circulation, there are no issues.

10. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the "Adequate Public Facilities Regulations for Schools" (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
11. **Fire and Rescue**—The proposed subdivision has been reviewed 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 Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
23	Forestville	Engine	8321 Old Marlboro Pike	3.0	3.25	Within
20	Upper Marlboro	Ladder Truck	14815 Pratt St.	11.7	4.25	Beyond
20	Upper Marlboro	Paramedic	14815 Pratt St.	11.7	7.25	Beyond
23	Forestville	Ambulance	8321 Old Marlboro Pike	3.0	4.25	Within

In order to alleviate the negative impact on fire and rescue services noted above, 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.

Capital Improvement Program (CIP)—The Capital Budget and Program Fiscal Years 2010-2015 proposes a new station, Beechtree Fire/EMS, be built at Leeland Road. This station will improve fire/EMS response times along the US 301 corridor.

12. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie.

The police facilities test is performed on a countywide basis for nonresidential development 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 Department and the July 1, 2008 (U.S. Census Bureau) county population estimate is 820,520. Using 141 square feet per 1,000 residents, it calculates to 115,693 square feet of space for police. The current amount of space, 267,660 square feet, exceeds the guideline.

13. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 Water and Sewer Plan designates this property in water Category 3 and sewer Category 4, and the site is therefore in the appropriate service area to be served by public systems. The property must be approved for sewer Category 3 through the administrative amendment procedure before approval of a final plat.

Water and sewer lines abut the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before approval of a final plat.

14. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.
15. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 25047-2009-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
16. **Cemeteries**—No cemeteries have been identified on the property.
17. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 5.55-acre property located at 9410 Westphalia Road in Upper Marlboro, Maryland. 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. However, the applicant should be aware that there are 22 previously identified archeological sites, one prehistoric site, 18 historic sites—most of which are late 19th to early 20th century house sites, and three multi-component prehistoric and historic sites, located within one mile of the subject property. In addition, there is one county historic site, Dunblane and Cemetery (78-010), located within a one-mile radius of the subject property.

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

18. **Andrews Air Force Base (AAFB)**—This property is located within the noise impact zone for Andrews Air Force Base. According to the 2007 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property are approximately 68 dBA Ldn. These noise levels are within the state noise standards for the proposed use.

This property is not located within any Accident Potential Zone (APZ), as documented in the 2007 Air Installation Compatible Use Zone (AICUZ) Study. This property is located underneath the Conical Airspace Imaginary Surface for AAFB, with a threshold elevation of 300 feet. Buildings and other structures should not be allowed to penetrate this 300 feet threshold.

19. **Use Conversion**—The subject application proposes to construct a church with a Sunday school and community facility in the R-R Zone. A new preliminary plan should be approved if the site proposes residential development. Because there exist different adequate public facility tests and

there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered.

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

* * * * *

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 Vaughns, with Commissioners Squire, Vaughns, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, February 4, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of February 2010.

Patricia Colihan Barney
Executive Director


By Frances J. Guertin
Planning Board Administrator

PCB:FJG:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 2/25/10