



PGCPB No. 13-148

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

File No. 4-13006

## RESOLUTION

WHEREAS, Reaching Hearts International Church is the owner of a 17.08-acre parcel of land known as Tax Map 2 in Grid B-3 and is also known as Parcels 11 and 28, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned Residential-Agricultural (R-A); and

WHEREAS, on September 16, 2013, Reaching Hearts International Church 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 4-13006 for Reaching Hearts International Church was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 12, 2013, for its review and action in accordance with the Land Use Article of the 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 December 12, 2013, 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 1 Tree Conservation Plan (TCP1-091-04), and further APPROVED Preliminary Plan of Subdivision 4-13006, Reaching Hearts International Church, including a Variance to Section 25-122(b)(1)(G) for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Revise Note 16 to include the correct approval and expiration date for Stormwater Management Concept Plan 22566-2013-00.
  - b. Add a note that detailed site plan approval is required for private schools, developed in accordance with Section 27-443 of the Zoning Ordinance.
  - c. Remove the site plan approval block and add the preliminary plan of subdivision approval block.
  - d. Revise General Note 2 to indicate creation of a single parcel.

PGCPB No. 13-148

File No. 4-13006

Page 2

- e. Revise General Notes 3 and 5 for the acreage to add up correctly to 17.08 acres.
  - f. Revise General Note 8 to indicate that the property is improved with an existing structure which is to be razed.
  - g. Revise General Note 19 to indicate that mandatory park dedication is not applicable to nonresidential uses.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 22566-2013-00, and any subsequent revisions.
  3. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
    - a. Show the specimen trees to be removed, the primary management area, and the existing tree line with the standard line symbols per the Environmental Technical Manual;
    - b. Revise the specimen tree table to include a column for the proposed disposition of each tree (to remain or to be removed);
    - c. Ensure that all woodland conservation areas meet the minimum dimensional requirements of the code;
    - d. Ensure that all woodland conservation areas are accurately accounted for in the worksheet; and
    - e. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
    - f. Show the standard 300-foot forest interior dwelling species (FIDS) buffer.
  4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-091-04). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-091-04), or as modified by the Type 2 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 and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the

PGCPB No. 13-148

File No. 4-13006

Page 3

offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

5. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along the public rights-of-way of Brooklyn Bridge Road as delineated on the approved preliminary plan of subdivision.
8. Total development shall be limited to uses which generate no more than 155 (87 in, 68 out) AM peak hour trips, 104 (49 in, 55 out) PM peak hour trips, and 519 (265 in, 254 out) Saturday peak hour trips. Any development generating an impact greater than that identified herein-above shall require a new determination of the adequacy of transportation facilities.
9. Prior to issuance of any building permits within the subject property, the following road improvement shall (a) have full financial assurances, (b) have been designed per the appropriate operating agencies, and (c) have been permitted for construction through the operating agency's access permit process: Construct southbound acceleration and deceleration lanes at the proposed site entrance on Brooklyn Bridge Road.
10. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate 30 feet of right-of-way from the centerline of Brooklyn Bridge Road as delineated on the approved preliminary plan of subdivision.
11. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
12. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide permit plans that address the following:

PGCPB No. 13-148

File No. 4-13006

Page 4

- a. Provide full cut-off optic light fixtures throughout the site to reduce light intrusion.
- b. Provide a note that an automatic fire suppression system for all new buildings proposed on-site will be provided, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

### Considerations

1. The applicant shall provide additional landscaping along the property's southern boundary and its frontage along Brooklyn Bridge Road consistent with Applicant's Exhibit 4.
2. If additional parking is to be provided during the development of Phase II of the project, 50 percent of the parking spaces for Phase II shall be constructed with pervious material.
3. The exterior of the main sanctuary building shall consist of a color palate of non-reflective earth tones, and shall include a water table constructed of masonry materials.
4. The exterior of the proposed multipurpose building (behind the main sanctuary) shall include the following:
  - a. A two-toned facade consisting of non-reflective earth tone colors that complement the exterior color of the main sanctuary.
  - b. Shutters shall be placed on the sides of all windows.
  - c. Exterior doors shall have an enhanced architectural appearance.
  - d. All light fixtures shall have a lantern-like appearance.
5. The expanded sanctuary and classroom space to be constructed in Phase III of the project shall also include a water table consisting of the same masonry materials as the sanctuary building.
6. Any monument sign for the project shall contain materials that complement the materials and colors of the main sanctuary and shall be softly backlit with appropriate landscaping and up-lighting. Said sign shall not consist of scrolling or LED messaging.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision and accompanying considerations 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 the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 2 in Grid B-3 and is known as Parcels 11 and 28. The property consists of 17.08 acres within the Residential-Agricultural (R-A) Zone. Parcels 11 and 28 are legal deed parcels and have never been the subject of a preliminary plan of subdivision (PPS) approval. Existing Parcel 11 (10.04 acres) is located along the western edge of the property abutting the Montgomery County line. Parcel 11 has a 16-foot stem along the

PGCPB No. 13-148  
File No. 4-13006  
Page 5

southern property line to the property's street frontage on the west side of Brooklyn Bridge Road. Parcel 28 (7.04 acres) has approximately 297 feet of frontage on Brooklyn Bridge Road. The subject property is currently vacant, with the exception of a stable that is to be razed. The property is bisected from north to south by an existing 20-foot-wide Continental Gas Pipeline easement.

- 3. **Setting**—The property is located on the north side of Brooklyn Bridge Road, approximately 240 feet west of Burtons Lane. The surrounding properties to the north and west are zoned R-A, are generally rural in character, and are developed with large-lot single-family dwellings. The properties to the east, across Brooklyn Bridge Road and south, are zoned R-R (Rural Residential) and are generally developed with single-family dwelling units. The property is abutting the Montgomery County line to the northwest.
- 4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-A	R-A
Use(s)	Residential	Church and School (32,235 sq. ft.)
Acreage	17.08	17.08
Lots	0	0
Outparcels	0	0
Parcels	2	1
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on October 11, 2013.

- 5. **Community Planning**—The General Plan designates the subject property within the Developing Tier and the Economic Development goal area. 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 PPS is consistent with the General Plan's vision for the Developing Tier by proposing a moderate-density development of a church and school. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The subject property is located in the Subregion 1 Master Plan and SMA. The property was retained in the R-A Zone by the Subregion 1 Master Plan. This PPS is in conformance with the

PGCPB No. 13-148

File No. 4-13006

Page 6

master plan recommendations for rural land use at this location. The proposed use of a church is a permitted use in the R-A Zone on lots exceeding two acres. The proposed school is subject to approval of a DSP in the R-A Zone prior to building permit if the applicant was to move forward with that land use in the future.

The Subregion 1 Master Plan notes the community's desire to maintain the rural residential character of this area. In an effort to preserve the rural character of the area, the applicant should consider the following for development of the site:

- Reconsider the placement of parking currently located between the proposed sanctuary and Brooklyn Bridge Road to reduce the expanse of paving in front of the building. While staff recognizes the parking area is set back approximately 120 feet from the property line, the front yard appears relatively flat, increasing the visibility of the paved area from Brooklyn Bridge Road.
- Consider the character of Brooklyn Bridge Road when designing and installing signage on the subject property along the roadway.

The subject property is not located in a Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area.

6. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property, which will be evaluated at the time of permits.

#### **2010 Prince George's County Landscape Manual**

The application is subject to the requirements of the Landscape Manual. Specifically, the application is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance to the requirements of those sections will be further evaluated at the time of permit, and DSP review if a private school is developed.

#### **Zoning Ordinance**

Churches on property over two acres in size in the R-A Zone are a permitted use. However, DSP approval is required for private schools, developed in accordance with Section 27-443 of the Zoning Ordinance. Therefore, the church part of the development can proceed directly to permit, but any private school development will require DSP approval.

Conformance with the Zoning Ordinance regulations is required for the proposed development at the time of permit and DSP review and approval, including but not limited to the following:

- Section 27-426, R-A Zone (Residential-Agricultural)
- Section 27-441, Uses permitted (Residential Zones)

PGCPB No. 13-148

File No. 4-13006

Page 7

- Section 27-442, Regulations (Residential Zones)
- Part 11, Parking and Loading
- Part 12, Signs

The applicant should note that for churches between 10,000 and 100,000 square feet, one loading space will be required per Section 27-582(a). Further, Section 27-579(b) states that no exterior loading space, or vehicular entrance, and access to any loading space shall be located within 50 feet of any residential zone. The current single access drive to the property, as shown on the PPS, conforms to this requirement.

7. **Environmental**—This PPS has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance (WCO), and the appropriate area master plan. A signed Natural Resources Inventory (NRI-046-12) and Type 1 Tree Conservation Plan (TCP1-091-04) for the subject property has been received and reviewed.

#### **Conformance to the Master Plan**

The master plan for this area is the 2010 Subregion 1 Master Plan and SMA. In the approved master plan and SMA, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

#### **POLICY 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

The project will meet water quality and quantity requirements in accordance with approved Stormwater Management Concept Plan 22566-2013-00 through the use of bioretention and an enhanced filter.

#### **POLICY 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.**

The county will review the project for conformance with the current provisions of the Prince George's County Code, which addresses the state regulations.

#### **POLICY 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.**

The use of green building and energy conservation techniques should be engaged as appropriate.

PGCPB No. 13-148

File No. 4-13006

Page 8

**POLICY 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.**

The minimization of light intrusion from this site, located in the Developing Tier, is a concern. The use of alternative lighting technologies and the limiting of total light output should be addressed through the use of full cut-off optic light fixtures.

**Conformance with the Green Infrastructure Plan**

The 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) indicates that the property contains network gap and evaluation areas within the designated network. The evaluation area is mapped for the wooded portion of the site and the network gap area is mapped along the edge of the existing woodlands. The entire woodland conservation requirement is proposed to be met on-site. The evaluation and network gap areas are the focus of preservation and reforestation/afforestation efforts with this application as appropriate to be in conformance with the Green Infrastructure Plan.

At the Planning Board hearing on December 12, 2013, Mr. Macy Nelson entered into the record a letter of opposition to Preliminary Plan of Subdivision 4-13006, and raised the issue of conformance to the appropriate master plans, specifically the 2010 *Approved Water Resources Functional Master Plan*. The conformance to the 2002 General Plan, 2005 Countywide Green Infrastructure Plan, and 2010 Subregion 1 Master Plan and SMA has been addressed and found to be consistent in Findings 1-9. The applicant noted that the 2010 *Approved Water Resources Functional Master Plan* amends the 2002 General Plan, and provides growth guidance expressed as goals, policies, and strategies to address water quality impacts associated with land use in the County. Moreover, the policies and strategies found in the 2010 *Approved Water Resources Functional Master Plan* that are relevant to the instant application are redundant of the environmental infrastructure policies found in the 2010 Subregion 1 Master Plan and SMA. Thus, Finding 11 addresses environmental infrastructure issues as set forth in the 2010 Subregion 1 Master Plan and SMA, which are also applicable to an analysis of compliance with the 2010 *Approved Water Resources Functional Master Plan*. As such, the Planning Board finds that the preliminary plan application is consistent with the environmental policies and strategies set forth in both the 2010 Subregion 1 Master Plan and SMA, and the 2010 *Approved Water Resources Functional Master Plan*.

**Environmental Review**

Natural Resources Inventory NRI-046-12, approved on August 20, 2012, was submitted with the application. The forest stand delineation indicates the presence of two forest stands totaling 8.64 acres and 38 specimen trees. No revisions are required for conformance to the NRI.

The site is located within the Horsepen Branch drainage basin. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Brinklow loams, Gaila loam, and Sassafras-Croom complex. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. The site has frontage on Brooklyn Bridge Road,



PGCPB No. 13-148

File No. 4-13006

Page 9

a master-planned primary roadway that is not regulated for noise. Brooklyn Bridge Road is not a designated scenic or historic road.

According to information obtained from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, a rare, threatened, and endangered species survey for *Smilax pseudochina* was performed and approved by DNR in July 2003. This report documents the absence of the appropriate habitat on-site for the species. A copy of the report and the DNR approval letter were submitted with the subject application. There are no rare, threatened, or endangered species found to occur on or in the vicinity of this property.

In accordance with information from the DNR, Natural Heritage Program, forest interior dwelling species (FIDS) are mapped on-site. The on-site FIDS habitat is located on the northwestern portion of the site, largely on Parcel 11. The wooded area located along the eastern property boundary, on Parcel 28, does not meet the definition of FIDS habitat. The TCP shows minimal on-site clearing of woodland and only 0.04 acres of clearing of FIDS buffer. DNR has guidelines for clearing within FIDS habitat, including limiting clearing to within the first 300 feet, which is the FIDS buffer. The proposed application meets this standard; however, the TCP does not show the typical 300-foot FIDS buffer and needs to be revised to do so.

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. The woodland conservation threshold for this property is 50 percent of the net tract area or 8.39 acres. The total woodland conservation requirement based on the amount of clearing proposed at this time is shown on the plan as 8.76 acres; however, staff's calculations indicate that the requirement is 8.50 acres. The woodland conservation requirement is proposed to be satisfied with a combination of preservation and reforestation/afforestation. The plan requires minor technical revisions to be in conformance with the WCO.

Woodland conservation has been proposed along the northeastern property boundary; however, this area is less than the required 50 feet in width in several places. The plan must be revised to meet the minimum dimension requirements in order to be counted as woodland conservation. All woodland conservation shown and labeled on the plan must be accurately accounted for in the worksheet. The steep slopes must be removed from the plan for clarity and the standard TCP1 approval block must be added for certification. After all revisions have been made, have the qualified professional who prepared the plan sign and date it.

In accordance with Section 25-122(d)(1)(B), woodland conservation is required to be placed in a conservation easement, which will be required at the time of approval of a Type 2 tree conservation plan (TCP2). The liber and folio of the easement will be reflected on the TCP2.

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include a stream, stream buffer, wetlands, wetland buffers, and steep slopes which comprise the PMA. A small isolated wetland is located on the

PGCPB No. 13-148

File No. 4-13006

Page 10

southwestern portion of the site. No impacts have been proposed with this application. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP submitted for review.

8. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation plan (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2 (the Woodland and Wildlife Habitat Conservation Ordinance (WCO)), which includes preservation of specimen trees pursuant to Section 25-122(b)(1)(G) which states:

**Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual.**

If after careful consideration has been given to preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of the WCO provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance application and a statement of justification in support of a variance were submitted by the applicant and were stamped as received by the Environmental Planning Section on November 7, 2013. The specimen tree table on the TCP1 needs to be revised to show the removal of four of the 38 on-site specimen trees. The limits of disturbance on the plan also show that these four trees (3, 24, 25, and 26) are to be removed.

The plan shows four specimen trees within the proposed limits of disturbance that are proposed to be removed. The plan must be revised to graphically show these trees as removed, using the standard symbol found in the Environmental Technical Manual. The specimen tree table must be revised to account for the proposed disposition of each tree (to remain or to be removed). The symbols must be revised in accordance with the standard environmental symbols including, but not limited to, the PMA and existing tree line. These features must be shown clearly on the plan.

Section 25-119(d)(1) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for four specimen trees as a group; however, details specific to individual trees have also been provided. This approach to the analysis is supported because there are similar concerns for these trees with respect to the required findings and because the location, species, and condition of the trees have been assessed separately as necessary.

PGCPB No. 13-148  
File No. 4-13006  
Page 11

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The property is relatively long and narrow with a mature to mid-successional stage forest located on the western portion of the site. Development has been concentrated on the eastern portion of the site which reduces the number of specimen trees needed for removal and allows for the preservation of approximately 95 percent of the existing on-site woodland. The TCP shows the proposed removal of four specimen trees ranging in condition from fair to very poor.

Specimen Tree 38 is an open grown 31-inch white pine in fair condition with poor structure. More than half of the critical root zone of this tree is located within an easement for the existing Colonial Pipeline Company petroleum pipeline. This easement could be cleared at any time. The tree is also shown within the proposed limits of disturbance for the subject application. A portion of the root zone is proposed to be graded and paved for the entrance to the overflow parking area. Based on the poor condition of the tree, its location within an existing easement, and the proposed grading and paving for the entrance to the overflow parking area, if the tree were to remain it would be susceptible to wind throw and could be a potentially hazardous condition for safety and liability purposes.

Specimen Tree 24 is a 42-inch red maple in poor condition, with trunk cavities and broken limbs. This is an open grown tree located centrally on the property. As mentioned above, the development of this site has been focused on the eastern portion of the site in the existing open area. The removal of this tree in poor condition is necessary for the reasonable development of the site and to avoid clearing of woodland.

Specimen Tree 25 is a 38-inch sycamore in very poor condition, with the main trunk broken. Specimen Tree 26 is a 31-inch tulip poplar in poor condition. These trees are located along the eastern property boundary and within the limits of grading necessary for installation of the proposed stormwater management enhanced filter. These impacts cannot be avoided because they are required by other provisions of the county and state codes. The stormwater management concept was approved by DPIE on October 1, 2013, and is valid until October 1, 2016, for the implementation of low-impact development to the maximum extent practicable. These tree species (sycamore and poplar) have low construction tolerance and would become hazardous if they were to remain, especially given their existing poor health.

Based on the overall health of all four specimen trees that are proposed to be removed, there is a safety hazard concern should the trees remain. The plan shows

PGCPB No. 13-148  
File No. 4-13006  
Page 12

the preservation of the remaining 34 specimen trees on-site. The conditions are peculiar to the subject property as described above.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

The applicant has made an effort to design the site to remove the least amount of trees as possible in order to achieve the desired development. If other constrained properties encounter trees with similar health, construction tolerance, and in similar locations on a site, and made every effort to preserve the maximum amount of trees possible, the same considerations would be provided during the review of the required variance application.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Granting the variance will not confer on the applicant a special privilege based on the discussion provided under variance finding (A) above for the special conditions peculiar to the property.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The applicant is proposing to develop the site in accordance with the existing zoning and allowed use. As such, some disturbance on the property will be necessary to develop the site, including the removal of some vegetation. No action by the applicant has taken place on-site. The existing conditions or circumstances are not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The proposed development is not a result of any conditions of adjacent lands. A portion of the property was granted a water and sewer category change from W-5 and S-5 to W-4 and S-4 (Future Community System to Community System Adequate for Development Planning). The request to remove the trees does not arise from any condition on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality.**

The stormwater management concept was approved by DPIE on October 1, 2013, and is valid until October 1, 2016, for the implementation of low-impact development to the maximum extent practicable. A copy of the conceptual

PGCPB No. 13-148

File No. 4-13006

Page 13

grading and sediment control plan was submitted with the subject application and will be required to be reviewed and approved by the Soil Conservation District.

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed for the removal of four specimen trees based on the information provided, and the Planning Board approved the variance to remove Specimen Trees 24, 25, 26, and 38, and the preservation of Specimen Trees 1–23 and 27–37.

9. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has determined that on-site stormwater management is required. A Stormwater Management Concept Letter, 22566-2013-00, for proposed Parcels 1 and 2 was approved on October 1, 2013 and is valid until October 1, 2016. The approved stormwater management plan shows the use of bioretention and an enhanced filter for the subject site. Development must be in accordance with the approved plan or any subsequent revisions.

A letter dated November 12, 2013 (Century Engineering to Nelson) was received and listed concerns and comments regarding the Stormwater Management Concept Plan, 22566-2013-00, approved by DPIE. The applicant submitted a letter dated November 25, 2013 (Antonetti to Nguyen) that provided a point-by-point response to the Century Engineering comments from the letter dated November 12, 2013. Both letters are included in the back-up of this report and have been referred to DPIE for their information. The site has a Stormwater Management Concept Plan (22566-2013-00) approval from DPIE. Any change to the stormwater management will be granted as part of the technical stormwater management plan approval at the time of permits, a process that is not under the authority of the Planning Board as part of the review of this PPS.

The approved stormwater management plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection; Division 3, Stormwater Management Plan; Section 172, Watershed Management Planning, of the County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPIE.

10. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, the subdivision is not applicable for mandatory dedication of parkland because the development proposed is nonresidential.
11. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements. The site is not located within a center or corridor as designated in the General Plan, therefore, the property is not subject to Section 24-124.01 of the Subdivision Regulations, which is an adequacy test for pedestrians and bicyclists.

PGCPB No. 13-148  
File No. 4-13006  
Page 14

The subject property has frontage on Brooklyn Bridge Road, which is county maintained. There are no sidewalks on Brooklyn Bridge Road, which is an open section roadway. The road is recommended for bicycle lanes in the MPOT (page 20). However, there are no capital improvement projects or opportunities to implement bicycle lanes or sidewalks on the roadway. The applicant has proposed dedication that would allow for future reconstruction of the road, and this would be a future opportunity to implement bicycle lanes and sidewalks. At that time, and as determined by the county, Brooklyn Bridge Road could be redeveloped as a complete street.

The property is located within the Developing Tier. Policy 5 of the MPOT Complete Streets policy recommends that, as development occurs within the Developed and Developing Tiers, it should be evaluated for complete streets principles. It also recommends that new road construction incorporate complete street principles. The applicant's proposed dedication conforms to the area master plan, and will help with future implementation of the MPOT and the Complete Streets policy.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

12. **Transportation**—The property is located on Brooklyn Bridge Road and west of Burtons Lane. The applicant is proposing a church, private school, and gymnasium of 32,235 square feet. The proposed church will have a maximum of 850 seats. The school will accommodate 150 students. While this analysis includes a private school, the development of that use on this property would require a DSP.

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

The subject property is located within the Developing Tier, as defined in the General Plan. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the "Transportation Review Guidelines, Part 1."

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure, and (b)

PGCPB No. 13-148

File No. 4-13006

Page 15

if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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.

A traffic study dated July 2013 was submitted this application. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Transportation Review Guidelines, Part 1" (Guidelines).

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

Using trip generation rates from the Trip Generation, 9th Edition (Institute of Transportation Engineers), it is determined that the proposed development would generate 155 AM (87 inbound, 68 outbound) and 104 PM (49 inbound, 55 outbound) weekday peak-hour vehicle trips. The proposed church, which has services on Saturday, would generate 519 Saturday midday vehicle trips (265 inbound, 254 outbound).

The traffic generated by the proposed PPS would impact the following intersections, interchanges, or links in the transportation system:

- MD 198 & Riding Stable Road (non-signalized)
- MD 198 & Old Gunpowder Road/Bond Mill Road (signalized)
- MD 198 & Sweitzer Lane (signalized)
- Brooklyn Bridge Road & Site Access (non-signalized)
- Brooklyn Bridge Road & Bond Mill Road (non-signalized)

The following critical intersections identified above, when analyzed with existing traffic using counts taken in February and May 2013 and existing lane configurations, operate as follows:

PGCPB No. 13-148  
 File No. 4-13006  
 Page 16

<b>EXISTING TRAFFIC CONDITIONS</b>						
<b>Intersection</b>	<b>Critical Lane Volumes (AM/PM/Sat Mid-Day)</b>			<b>Level of Service (LOS, AM/PM/Sat Mid-Day)</b>		
	MD 198 & Riding Stable Rd.	1,020	1,018	668	B	B
MD 198 & Old Gunpowder Rd.	1,155	1,083	815	C	B	A
MD 198 & Sweitzer Lane	936	1,055	614	A	B	A
Brooklyn Bridge Rd. & Site Access	N/A	N/A	N/A	--	--	--
Brooklyn Bridge Rd. & Bond Mill Rd.	9.5*	10.0*	10.0*	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

While the MD 198/Riding Stable Road intersection is unsignalized, it exceeds 50.0 seconds of delay and the approach volume exceeds 100. Therefore, in accordance with the Guidelines, the CLV is computed and evaluated as required for unsignalized intersections.

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" (CTP), or the Prince George's County "Capital Improvement Program" (CIP).

Under existing conditions, all of the intersections are operating at acceptable levels-of-service and/or intersection delay as defined by the Guidelines.

For background traffic conditions, a growth rate of 1.0 percent per year was used. The growth rate was projected for three years, the expected build-out date for the site. Background development included the Kingdom Hall Jehovah's Witness church, Bond Mill Station, Avalon Manor, Fairland Park, Almas Shriners Center, and Konterra. The background conditions are shown in the chart below.



PGCPB No. 13-148

File No. 4-13006

Page 17

<b>BACKGROUND TRAFFIC CONDITIONS</b>						
<b>Intersection</b>	<b>Critical Lane Volumes (AM/PM/Sat Mid-Day)</b>			<b>Level of Service (LOS, AM/PM/Sat Mid-Day)</b>		
MD 198 & Riding Stable Rd.	1,158	1,329	855	C	D	A
MD 198 & Old Gunpowder Rd.	1,316	1,374	1,034	D	D	B
MD 198 & Sweitzer Lane	1,037	1,173	731	B	C	A
Brooklyn Bridge Rd. & Site Access	N/A	N/A	N/A	--	--	--
Brooklyn Bridge Rd. & Bond Mill Rd.	9.6*	10.2*	10.2*	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

The proposed development for the site would generate 155 new trips (87 inbound, 68 outbound) during the AM peak hour and 104 new trips (49 inbound, 55 outbound) during the PM peak hour. During the Saturday midday peak hour, they would generate 519 new trips (265 inbound, 254 outbound). The new trips expected to be generated by the proposed church and private school were added to background traffic to obtain future traffic conditions. The intersections under study, when analyzed with any programmed improvements and total future traffic, including the site trip generation as described above and a distribution of 25 percent east, 55 percent west, 10 percent north, and 10 percent south, operate as follows:

<b>FUTURE TRAFFIC CONDITIONS</b>						
<b>Intersection</b>	<b>Critical Lane Volumes (AM/PM/Sat Mid-Day)</b>			<b>Level of Service (LOS, AM/PM/Sat Mid-Day)</b>		
MD 198 & Riding Stable Rd.	1,162	1,371	1,067	C	D	B
MD 198 & Old Gunpowder Rd.	1,336	1,388	1,084	D	D	B
MD 198 & Sweitzer Lane	1,047	1,180	755	B	C	A
Brooklyn Bridge Rd. & Site Access	9.5*	9.7*	23.3*	--	--	--
Brooklyn Bridge Rd. & Bond Mill Rd.	9.8*	10.3*	10.6*	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.						

Under future traffic conditions, all of the intersections with the exception of one are operating at acceptable levels-of-service and/or intersection delay as defined by the Guidelines. The

PGCPB No. 13-148  
File No. 4-13006  
Page 18

unsignalized intersection of MD 198/Riding Stable Road is operating at a CLV greater than 1,150. Typically, additional turning lanes or other traffic control changes are proposed to bring the CLV to within the acceptable level, although this intersection is outside Prince George's County.

With regard to the MD 198/Riding Stable Road intersection, the analysis indicates that this intersection does not meet the Prince George's County Planning Board's standard for an unsignalized intersection. However, this intersection is in Montgomery County, whose applicable standards are met, and the Planning Board does not have authority to impose off-site conditions outside of Prince George's County. This information is provided for informational purposes only.

The signalized intersections are operating at LOS D and CLV of 1,450 or better. Saturday midday peak hour traffic operates at LOS A or LOS B for four intersections, with delay at the intersection of site access of 23.3 seconds (LOS C), which is an acceptable level-of-service.

**The Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA)**

In reviewing the traffic study, DPW&T had some specific concerns that were outlined in a memorandum dated October 21, 2013 (Mobley to Jenkins). The following are DPW&T comments (**in bold**):

- **To enhance safety and traffic operations, a northbound exclusive left turn lane [sic], as well as southbound acceleration and deceleration lanes, should be provided along Brooklyn Bridge Road at the proposed site entrance.**
- **The consultant should conduct a sight distance analysis at the proposed site access on Brooklyn Bridge Road to determine whether the proposed access has adequate intersection sight distance for safe ingress and egress.**

The applicant should construct a northbound left-turn lane at the proposed site entrance on Brooklyn Bridge Road and construct southbound acceleration and deceleration lanes. The sight distance study was completed and submitted to DPW&T for review. The study determined that the minimum intersection sight distance requirements are met in accordance with DPW&T standards. The deceleration and acceleration improvements should be completed prior to approval of building permits. These are needed to improve traffic safety at the site access point.

At the Planning Board hearing on December 12, 2013, the applicant requested to remove the condition to construct the northbound left turn lane. A written statement dated December 10, 2013, (Cipriana to Chellis), indicating that the Department of Public Works & Transportation has waived the requirement of a left turn lane into the site was presented at the hearing. The Planning Board agreed to remove the requirement for the northbound left turn lane.

In reviewing the traffic study, SHA had some specific concerns that were outlined in a memorandum dated October 21, 2013 (Foster to Jenkins). The following are SHA comments (**in bold**):

PGCPB No. 13-148

File No. 4-13006

Page 19

- **A queuing analysis was conducted at the Brooklyn Bridge Road/Site Access Road intersection. SHA recommended that traffic queuing analyses be conducted at all study intersections. SHA cited southbound right turns at MD 198 and Riding Stable Road and an inadequate right turn lane at this location.**

The intersection of Laurel-Fort Meade Road (MD 198) and Riding Stable Road is in Montgomery County and, as previously noted, is outside the subdivision authority of the Prince George's County Planning Board.

#### **Site Access and Master Plan Roadway**

The sole vehicular access for the site will be on Brooklyn Bridge Road. The tree conservation plan shows one lane in and two lanes out onto Brooklyn Bridge Road at the southwestern corner of the property. The site driveway will be built to DPW&T standards. A private school in the R-A Zone, according to the Zoning Ordinance, requires a DSP. A review of on-site circulation and parking will be conducted at the time of DSP.

A portion of Brooklyn Bridge Road to the east and west of the site exists as a 70-foot-wide right-of-way. However, the Subregion 1 Master Plan designated Brooklyn Bridge Road as a primary roadway with a right-of-way width of 60 feet. Therefore, a dedication of 30 feet from the centerline of Brooklyn Bridge Road is recommended as reflected on the PPS.

Based on the preceding findings, adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

13. **Schools**—The proposed PPS 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” (Council Resolutions 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.
14. **Fire and Rescue**—The proposed PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 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
10	Laurel	Engine	7411 Cherry Lane	5.98	3.25	Beyond
10	Laurel	Ladder Truck	7411 Cherry Lane	5.98	4.25	Beyond
23	Laurel	Ambulance	7411 Cherry Lane	5.98	4.25	Beyond
49	Laurel Rescue Squad	Paramedic	14910 Bowie Road	6.25	7.25	Within

PGCPB No. 13-148  
File No. 4-13006  
Page 20

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.

The site is located in the northwest corner of the county, southeast of the Rocky Gorge Reservoir. Access is limited from Prince George's County. The closest fire station is the Scaggsville Fire Station, Company 11, located at 11226 Scaggsville Road (MD 216), to the west of its intersection with Columbia Pike in Howard County. The Office of the Fire Marshall, Prince George's County Fire/EMS Department, has confirmed that this property will be served by the fire department in Howard County under a mutual aid agreement.

At the Planning Board hearing on December 12, 2013, Mr. Alan Hirsch, Division Chief of the Development Review Division, presented a brief history of the public facilities guidelines. In the past the County has established different levels of service through guidelines to determine adequacy for fire and rescue services as reflected in Finding 11.

In 2005, the County Council approved and adopted CB-56-2005 that established a new system for determining adequacy for police, fire and rescue services for residential development. The County Council also approved and adopted CR-78-2005 that established mitigation guidelines for police, fire and rescue services. CB-56-2005 and CR-78-2005 essentially replaced the previous service requirements in the guidelines and established a minimum 7-minute adequacy response time for life support services. In 2008, the Planning Board adopted the Public Safety Facilities Master Plan that also established a 7-minute guideline for adequacy. That plan, with the 7-minute standard, was approved by the District Council.

Through adopted legislation, and an approved and adopted master plan, a 7-minute guideline for adequacy must be utilized for this site, and therefore fire and rescue services at 5.98 minutes are found to be adequate for this subdivision.

**Capital Improvement Program (CIP)**

The CIP for Fiscal Years 2013–2018 provides funding for replacing existing Laurel Rescue Squad Fire/EMS Station 49 at 14910 Bowie Road.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

15. **Police Facilities**—The proposed development is within the service area of Police District VI, Beltsville. 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, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

PGCPB No. 13-148  
File No. 4-13006  
Page 21

16. **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* placed existing Parcel 11 in water and sewer Category 4, Community System. The *Water and Sewer Plan* placed part of existing Parcel 28 in water and sewer Category 4, Community System, and part of existing Parcel 28 in water and sewer Category 3, Community System Adequate for Development Planning, and will therefore be served by public systems. The site is within Tier I under the Sustainable Growth Act, which requires that the site be served by public systems.

A water line in Brooklyn Bridge Road abuts Parcel 28. A gravity sewer line in Brooklyn Bridge Road is within 250 feet of Parcel 28, but may require a grinder pump system. Water and sewer line extensions, on-site systems, or grinder pump systems that may be required to service the proposed subdivision, will be approved by the Washington Suburban Sanitary Commission.

17. **Health Department**—The Prince George’s County Health Department has evaluated the proposed PPS and has no comments.
18. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS correctly delineates a ten-foot-wide public utility easement along the public right-of-way as requested by the utility companies.

19. **Historic**—A Phase I archaeological survey was conducted on the subject property in September 2013. A surface reconnaissance was conducted across the property to identify areas of moderate to high potential for containing archeological sites. The property comprises a well-maintained grass field with mature woodland in the northern portion. An abandoned horse stable is located in the center of the property and consists of a concrete block structure with a wooden shed. A house was located east of the stable, but was destroyed by arson several years ago. The house had been demolished at the time the survey was conducted. During the twentieth century, the subject property was used primarily as a residence with horse riding facilities.

A grid was laid out over the property and 91 shovel test pits (STP) were excavated at 15-m intervals. Strata within the STPs exhibited a plow zone measuring 17 to 24 cm below ground surface, indicating the land was previously farmed. Some modern items, such as modern bottle glass, were found, but they were not retained. No historic or prehistoric artifacts were recovered and no archeological sites were delineated. No additional archeological investigations were

PGCPB No. 13-148  
File No. 4-13006  
Page 22

recommended. No further archeological investigations are necessary on the Reaching Hearts International Church property.

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

- 20. **Use Conversion**—The subject application is proposing a church and private school in the R-A Zone and not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There are different adequate public facility tests between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new PPS is recommended if residential development is to be proposed.

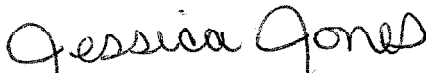
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo and Bailey voting in favor of the motion, with Commissioner Hewlett recused, and with Commissioner Shoaff absent at its regular meeting held on Thursday, December 12, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of January 2014.

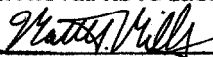
Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 1/7/14