

RESOLUTION

WHEREAS, Ebenezer Adewumni is the owner of a 6.39-acre parcel of land known as Tax Map 29 in Grid C-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned Residential-Estate (R-E); and

WHEREAS, on September 2, 2014, Allegheny E Conf CRP Seventh Day Adventist filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12012 for Maranatha Adventist Fellowship 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 November 6, 2014, 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 November 6, 2014, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-12012, Maranatha Adventist Fellowship, for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following technical corrections:
 - a. Show and label right-of-way dedication of 40 feet from the centerline of 11th Street (MD 564), with dimensions and square footage.
 - b. Provide the square footage of the existing use in General Note 11.
 - c. Label the square footage of each existing structure on the plan drawing.
 - d. Label current and proposed distance from the centerline of the road (11th Street) to the property line.
 - e. Show and label the location of the 30-foot-wide WSSC house connection easement, and the ten-foot-wide PUE easement serving Parcel 198.

- f. Provide existing topography on the plan.
 - g. Show streams and wetlands (with associated buffers) and PMA line on plan drawing, as reflected in the approved NRI.
 - h. Provide current deed reference for the subject site in the general notes.
 - i. Remove the “#” from General Note 4.
 - j. Revise General Note 5 to read: “Primary Management Area (PMA) is located on property.”
 - k. Add the following general note: “This property is partially located within the municipal boundary of the City of Bowie.”
 - l. Delineate the municipal boundary of the City of Bowie on the plan.
 - m. Revise General Note 21 to read: “This property is located within Sustainable Growth Tiers 1 and 2.”
- 2. Development of this site shall be in conformance with an approval of a stormwater management concept plan and any subsequent revisions.
 - 3. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees, shall grant a ten-foot public utility easement (PUE) along the public right-of-way as delineated on the approved PPS. In addition, the pole-mounted utilities, crossing the subject site to serve Parcel 198, shall be placed in a ten-foot-wide PUE from 11th Street (MD 564) to Parcel 198.
 - 4. Total development shall be limited to uses which generate no more than 16 AM peak-hour trips, 16 PM peak-hour trips, and 361 Saturday peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
 - 5. Prior to approval of building permits, the applicant and the applicant’s heirs, successors and/or assignees shall provide the following:
 - a. Construct the eight-foot-wide master plan trail along the subject site’s entire frontage of 11th Street (MD 564), unless modified by SHA.
 - b. Construct a standard sidewalk along one side of the entrance drive/parking lot connecting the master plan trail along MD 564 to the building entrance.

6. At the time of final plat approval, the applicant shall dedicate a public right-of-way of 40 feet from the centerline of 11th Street (MD 564) along the property frontage, as shown on the approved preliminary plan of subdivision.
7. At the time of final plat, the recorded WSSC house connection easement document shall be submitted to staff and delineated on the final plat. If the easement has not been recorded at the time of final plat submission, the following language shall be added to the Owner's Dedication of the plat:

"The WSSC house connection easement shown herein will be granted upon request of the Washington Suburban Sanitary Commission, subject to the terms and provisions to be recorded upon such request."
8. Prior to signature approval of the preliminary plan, copies of the approved Stormwater Management Concept letter and associated plan approval by the City of Bowie shall be submitted to staff. The approved plan shall show all regulated environmental features of the site. The plan and letter shall note that the site contains Nontidal Wetlands of Special State Concern.
9. Prior to the recommendation of approval by The M-NCPPC Planning Department of the first building permit, a lighting plan shall be submitted demonstrating the use of full cut-off optic light fixtures throughout the site.
10. Prior to signature approval of the TCP1 and PPS, a copy of the letter from the Department of Natural Resources regarding the presence of rare, threatened and endangered species, and a signed copy of the "Survey for Climbing Fern" dated January 11, 2013 shall be submitted.
11. Prior to approval of the PPS, the TCP1 shall be revised as follows:
 - a. Show only one tree line and revise the existing onsite woodland to be consistent with the tree line as reflected on the plan.
 - b. Revise the worksheet to show the correct gross tract area.
12. Prior to the approval of the Type 2 tree conservation plan (TCP2), if any specimen trees are proposed to be removed, a Subtitle 25 variance request shall be submitted. The request shall include a complete list and condition analysis of all specimen trees to be removed and a letter of justification in support of the variance. The letter shall state how the request meets each of the findings of Section 25-119(d).
13. At 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."

14. The church shall provide an individual to control traffic entering and leaving the property before and after worship services.

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 with conditions, 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 property is located on Tax Map 29 in Grid C-3 and is a legal acreage parcel (Parcel 119) recorded in Liber 30336 at Folio 18 of the County Land Records. The property consists of 6.39 acres within the Residential-Estate (R-E) Zone. The site is currently developed with approximately 5,028 square feet of gross floor area (GFA) for a church. The preliminary plan of subdivision (PPS) proposes the development of 30,000 square feet of GFA for a 500-seat church and one parsonage. The existing church building is to be converted into the parsonage. Pursuant to Section 24-107 of the Subdivision Regulations, the development of more than 5,000 square feet of GFA requires approval of a preliminary plan and final plat by the Planning Board, resulting in this application.

The subject property is partially located within the municipal boundary of the City of Bowie. The area of proposed development on the parcel is wholly within the municipal boundary. The PPS was referred to the City of Bowie, accordingly, for review and comment. The City of Bowie is recommending a limited detailed site plan for development which is further discussed in this report. Staff is not recommending the DSP.

The subject site abuts and surrounds on three sides an acreage parcel (Parcel 198) to the west, which is developed with a single-family dwelling. The sole access to 11th Street for Parcel 198 is via a 25-foot-wide access easement (Liber 23686 Folio 364) located across the western portion of the subject site. The PPS shows a second access for the proposed church through this access easement. The owners of Parcel 198, Ms. Rebecca Sunday and Mr. Chris Nickas III, have expressed concern with the use and development of the property. Parcel 198 is abutting the subject site on the north, south and east and is land lock with no direct access to a public right-of-way. Access to Parcel 198 is via an easement described in the deed for Parcel 198 recorded in land records in Liber 23686 Folio 364. The owners' concerns center on the proximity and height of the proposed church structure in relation to their 33,541.2-square-foot property, and the applicants proposal to utilize the existing driveway serving Parcel 198 via the easement for the church use, as a secondary access.

As indicated to the owners of Parcel 198, the church is a permitted use in the R-E Zone and that at the time of building permit, development of the site will be subject to the buffering requirements of the 2010 *Prince George's County Landscape Manual*, and zoning requirements. In regards to the proposed use of the existing access easement, the water and sewer service to Parcel 198 per the Washington Sanitary Sewer Commission (WSSC) crosses the subject property and should be placed in a WSSC easement, which is requested by WSSC and is conditioned. In addition, the utilities serving the dwelling on Parcel 198 cross the subject site and are pole mounted. The utilities should be placed in a public utility easement (PUE) to ensure service to Parcel 198 and is conditioned.

The applicant is also proposing to pave and use the existing driveway within the vehicular access easement extending from 11th Street to Parcel 198. While the applicant does own the land, the easement is to the benefit of Parcel 198. In review of the deed for Parcel 198 there does not appear to be an exclusive use of the underlying land to Parcel 198. However, the easement over the subject property is a private agreement between the subject site and Parcel 198, to which the M-NCPPC is not a party. Further, the applicant is proposing its main and direct access via the public street (11th Street) separate from access within the easement. The use of the access easement area by the church use is proposed as a secondary point of access and not necessary to meet adequate transportation facilities. If a court were to determine that the use of the easement by the church use was precluded the single direct access to 11th street is adequate to serve the church use. The interpretation and enforcement of the terms and provisions of the easement in Liber 23686 Folio 364 (Parcel 198), is outside of the scope and authority of the review of this PPS.

3. **Setting**—The property is located on the south side of 11th Street, approximately 2,000 feet west of Laurel-Bowie Road (MD 197). To the west of the site is Maryland-National Capital Park and Planning Commission (M-NCPPC)-owned land currently being used as a neighborhood park known as Huntington South Recreation Center. Also, abutting the subject property to the west, south, and east is residential property, zoned R-E.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	R-E Approximately 5,028-square-foot Church	R-E 30,000-square-foot Church and Parsonage
Acreage	6.39	6.39
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units	0	1 (parsonage)

Public Safety	No	No
Variance	No	No (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 (SDRC) meeting on September 12, 2014.

5. **Community Planning Division**—This application is located within the designated Established Communities per the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Plan Prince George's 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local and Suburban Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan Prince George's 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

The 2006 *The Approved Master Plan for Bowie and Vicinity Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* (master plan) rezoned the property from Rural-Residential (R-R) to R-E. This application conforms for the master plan recommendation for rural-residential development.

6. **Urban Design Section**—A church is a permitted use in the R-E Zone as identified in Section 27-441(b)(2), Uses Permitted, of the Zoning Ordinance. Churches on property over two acres are permitted within the R-E Zone without a requirement for detailed site plan approval.

The review of a PPS is the capacity analysis and the creation of the parcel and does not include an analysis of the building placement, landscaping, or architecture. Conceptually, however, the applicant is proposing a 116-car parking area for a church proposed to have 500 seats in addition to a parsonage. Based on Section 27-568, Schedule (number) of spaces required, of the Zoning Ordinance which requires one parking space for every four seats, this concept does not meet the parking requirement. Conformance to parking requirements will be evaluated at time of permit review.

Conformance with the 2010 Prince George's County Landscape Manual

The subject proposal is for new construction; therefore, the property is subject to the requirements of the 2010 *Prince's George's County Landscape Manual* (Landscape Manual). Specifically, the site will be subject to Section 4.2 Landscaped Strips along Streets Requirement; Section 4.3, Parking Lot Requirements; Section 4.4 Screening Requirements; Section 4.7 Buffering Incompatible Uses; and Section 4.9 Sustainable Landscape Requirements. Compliance with these regulations will be evaluated at time of permit review. If the required bufferyards cannot be provided, an Alternative Compliance application must be filed and approved, at the time of permit review.

It appears that the applicant has provided the required bufferyards, specifically, in regard to Schedule 4.7, Bufferyards 9 and 10, which are adjacent to the existing residential property. A proposed bioretention facility encroaches into Bufferyard 10. This is acceptable, and the bioretention facility will provide additional buffering between the church and the adjacent residential use. The schedule for Bufferyard 9 and 10 should be revised to indicate that the adjacent residential property is not vacant, but will be further evaluated at the time of building permit review.

It should be noted that because this property is located within the City of Bowie, the City of Bowie has been delegated the authority by the District Council to review and approval alternative compliance applications as part of the permit review process. If a DSP were required, the alternative compliance request would be reviewed by The Maryland-National Park and Planning Commission (M-NCPPC) Planning Department as part of the review of the DSP, and not the City of Bowie.

Conformance with the Tree Canopy Ordinance

The Tree Canopy Coverage Ordinance (TCC) requires 20 percent tree canopy coverage for properties in the R-E Zone. Therefore, the subject 6.39- acre property must provide 55,670 square feet of site area to be covered by tree canopy. This requirement can be met either through the preservation of the existing trees, the proposed on-site landscaping, or a combination of both, and will be evaluated at the time of permit review.

7. **City of Bowie**—The PPS is located partially within the City of Bowie and was referred to the City for review and comments accordingly. The Bowie City Council conducted a public hearing for the PPS on October 20, 2014. The Council voted unanimously to recommend approval of the PPS, and also recommends the following conditions:

1. **A Limited Detailed Site Plan shall be submitted, reviewed and approved prior to the issuance of a grading or building permit, and shall address the following:**
 - A. **Building architecture and elevations;**
 - B. **On-site parking design and layout;**
 - C. **Landscaping; and**
 - D. **On-site lighting.**

The requirement of a detailed site plan for this site is not required. A church that is located on a site that is greater than two acres in size is a permitted use in the R-E Zone, with no requirement for a DSP. Furthermore, the development on the site will be subject to the

requirements of the Landscape Manual for screening, landscaping and buffering, as previously discussed in this report.

For constitutional reasons, the building architecture and elevation are generally not regulated for church uses. While the building siting may be altered with the review of a DSP, the on-site parking design and landscape manual planting requirements will drive the location of the structure as approved on a building permit. A condition has been included to ensure full-optic cut-off light fixtures be required at the time of building permit to ensure no adverse lighting impacts on abutting residential properties.

2. Identification and location of the Primary Management Area (PMA) shall be provided on the plans.

The PMA is appropriately delineated on the Type 1 tree conservation Plan (TCP1), and is recommended to be shown on the PPS.

3. The church shall provide an individual to control traffic entering and leaving the property before and after worship services.

The PPS has been reviewed for adequate levels of service at major intersections. The level of service at the proposed site access to 11th Street (MD 564) is significantly within maximum delay time of 50 seconds and is adequate. At the Planning Board hearing on November 6, 2014, the applicant proffered this condition, stating that there are currently members of the church who may serve as traffic controllers before and after the church worship services.

4. The applicant shall dedicate the necessary right-of-way to provide for, and shall construct: a left-turn lane into the site; acceleration and deceleration lanes; and, sidewalk along the frontage of the subject property.

Dedication of 40 feet from the centerline of MD 564 is required for the site as discussed in the Transportation Planning Section of this report and as required by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Access to this state-maintained will ultimately be reviewed and approved by the Maryland State Highway Administration (SHA) at the time of access permits. Any necessary improvements in the public right-of-way will be required by the SHA at that time. Adequate right-of-way (ROW) will exist to make the improvements recommended by the City of Bowie if required by SHA.

8. Environmental Planning Section—A Natural Resources Inventory (NRI-115-12) application was previously reviewed for the subject site that was approved on February 21, 2013. The project is subject to the environmental regulations of Subtitles 24 and 25, which became effective on September 1, 2010 because the application is for a new PPS.

Site Description

The subject property shares much of its western and southern boundaries with Hunting Park Woods, which is a Maryland-National Capital Park and Planning Commission (M-NCPPC) park. According to mapping research and as documented with the approved NRI, streams, wetlands and their associated buffers, as well as steep slopes are found on the property. No 100-year floodplains are present onsite. This site is within the Horespen Branch watershed, which flows into the Patuxent River basin. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Fallington Sandy Loam, Sassafras Sandy Loam, Sassafras-Croom Complex, Sassafras-Urban Land Complex, and Sassafras and Croom soils. According to available information Marlboro clay and Christiana complexes are not present on-site.

According to a letter dated May 10, 2012 from the Maryland Department of Natural Resources (M-DNR), the site contains Nontidal Wetland of Special State Concern (NTWSSC). According to the NRI, the site is within a Sensitive Species Project Review Area due to the presence of NTWSSC and also due to the presence of Climbing Fern (*Lygodium palmatum*), a state-listed threatened species known to occur adjacent to the subject property in Hunting Park Woods. The site does contain a potential Forest Interior Dwelling Species (FIDS) habitat. There are no nearby traffic related noise sources and 11th Street is not designated as a scenic or as a historic road.

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is almost entirely within an Evaluation Area, with a small Network Gap at the southwestern corner of the site. The site is currently located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035.

Master Plan Conformance with the Bowie and Vicinity Sectional Map Amendment

In the 2006 *The Approved Master Plan for Bowie and Vicinity Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* (SMA), the Environmental Infrastructure Section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The [BOLD] text is from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Strategies:

- 1. Use the designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development review process.**

Conformance with the 2005 *Approved Countywide Green Infrastructure Plan* is reviewed further.

2. **Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horespen Branch, Northeast Branch, Black Branch, Mill branch, and District Branch) to restore and enhance environmental features and habitat.**

The site contains woodland that is contiguous to the stream valley of the Horsepen Branch, a plan designated secondary corridor. The plan proposes to preserve the riparian area, which includes the expanded PMA.

3. **Carefully evaluate land development proposals in the vicinity of identified SCAs (the Beltsville Agricultural Research Center to the north, along with the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and connections are either maintained or restored.**

This site is not located in the vicinity of any identified SCAs (Special Conservation Areas).

4. **Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance or restore essential features and special habitat areas.**

No public ownership is proposed for this site.

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

Strategies:

1. **Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
2. **Add identified mitigation strategies from the Western Branch WRAS to the countywide database of mitigation sites.**
3. **Encourage the location of necessary off-site mitigation for wetlands, streams, and woodland within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

This site is not located in the Western Branch Watershed Restoration Action Strategy area.

4. Ensure the use of low-impact development techniques to the extent possible during the development process.

The site is partially located within the City of Bowie who has approval authority for all stormwater management within its jurisdiction. A Stormwater Management Concept plan has been submitted; however it has not been approved.

The plan submitted shows the use of five bio-retention facilities and a rip-rap-berm to facilitate sheet flow to the stream valley. It is unclear if the review of this plan will consider the presence of the NTWSSC and stream, as none of the regulated environmental features are shown on the plan. Additionally, no limit of disturbance (LOD) is shown on the plan.

5. During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.

A Stormwater Management Concept plan pending approval with the City of Bowie was submitted.

The unnamed tributary, which crosses this site along its southern boundary, should be evaluated for existing water quality and stream stability, and the impact of the proposed development on stream stability and water quality, specifically related to the proposed stormwater discharge. If degraded water quality or stream instability is determined or projected to occur as a result of development, then a mitigation plan should be developed.

6. Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.

Because of the sensitive features on this site, particularly the NTWSSC, native species consistent with the existing species on site should only be used for landscaping.

7. Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.

The TCP1 shows conceptually where the proposed parking areas will be located; however the final parking layout will be reviewed at the time of building permit. Because of the sensitive features on the site, parking should be limited where possible to maximize on-site permeable surface.

8. Reduce the area of impervious surfaces during redevelopment projects.

This site is a redevelopment project that proposes a significant increase in impervious surfaces onsite. The site area is 6.39 acres in size and according to the most current aerial photos, contains approximately five percent impervious area. According to the concept plan, the proposed project could result in 24.1 percent (1.54 acres) impervious areas. The proposed development is focused in the most developable area of the site and the regulated environmental features are shown to remain undisturbed.

Policy 3: Protect and enhance tree cover within the master plan area.

Strategies:

- 1. Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**

This is a proposed redevelopment site located within the Developing Tier. Street trees will be provided in accordance with Department of Public Works and Transportation standards, and landscaping materials will be required in accordance with the 2010 *Prince George's County Landscape Manual*.

- 2. Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
- 3. Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
- 4. Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

The site is subject to the Prince George's County Tree Canopy Coverage Ordinance which requires the site to provide a minimum ten percent tree cover or more on the site; however, based on review of the TCP1, the proposed woodland preservation will provide approximately 42 percent tree cover on this site. This significantly exceeds the ten percent minimum of tree cover required for this site.

Additional planting requirements in accordance with the landscape plan shall be reviewed in a later phase of development. The parcel size will be reduced slightly in accordance with the right-of-way dedication recommended along 11th Street as discussed in the Transportation Finding.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

1. **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.**
2. **Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques should be incorporated into the development of this site by the applicant as practicable.

Policy 5: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

Strategies:

1. **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
2. **Require the use of full cut-off optic light fixtures should be used for all proposed uses.**
3. **Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The minimization of light intrusion from this site onto adjacent residential properties, within the proposed onsite woodland preservation area and within Hunting Park Woods is a special concern. Prior to approval of building permits, the use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures should be used and is recommended.

Policy 6: Reduce adverse noise impacts to meet of State of Maryland noise standards.

Strategies:

1. Evaluate development proposals using Phase I noise studies and noise models.
2. Provide for adequate set backs for projects located adjacent to existing and proposed noise generators.
3. Provide for the use of approved attenuation measures when noise issues are identified.

The proposed worship facility use is located adjacent to 11th Street, which is designated as a master planned collector road that does not generate enough traffic to produce noise above the state standard. A Phase I noise study is not necessary. The proposed use is not expected to be a noise generator.

Policy 7: Protect wellhead areas of public wells.

Strategies:

1. Retain land uses that currently exist within the wellhead areas of existing public wells.
2. Continue monitoring water quality.
3. Consider the development of alternative public water provision strategies such as public water connections, to eventually eliminate public wells.

This site is not located within a wellhead protection area.

2005 Approved Countywide Green Infrastructure Plan

According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) the site is almost entirely within an Evaluation Area, with a small Network Gap at the southwestern corner of the site. No areas designated as Regulated occurs on-site.

To find conformance with the Green Infrastructure Plan, the Planning Board must find that the plan adequately addresses the following policies:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

Evaluation, and Network Gap Areas are mapped on-site. The onsite regulated environmental features, which include wetland, stream and associated buffers, are located on the southern half of the property. These features which make up the on-site the Primary Management Area (PMA), are proposed to be fully preserved. The proposed use is for a church, which is a permitted use within this zone. As designed, the proposed development has been suitably located in the most developable area of the site.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

The proposed stormwater concept plan is subject to approval under the current regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). While the concept submitted does propose ESD, consideration should be given to the protection of the onsite NTWSSC during review and approval of the plan by the City of Bowie.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The plan proposes the preservation of the existing woodland resources in the green infrastructure network on the southern half of the site. Based on the submitted TCP1, the proposed site improvements are in conformance with the Green Infrastructure Plan.

Environmental Review

An approved Natural Resource Inventory (NRI-115-12) was submitted with the review package, which was approved on February 21, 2013. The site is currently developed with a driveway, garage, two (2) buildings, and open space along the northern half of the property. The southern half of the property is within the Primary Management Area (PMA) with wetland, stream associated buffers and steep slopes. The PMA area covers 2.66 acres onsite. No area associated with 100-year floodplain occurs on-site. The Forest Stand Delineation (FSD) and NRI indicate the presence of two forest stands, totaling 2.70 acres, and seven (7) specimen trees on-site.

The NRI contains the following note: "In a letter dated (May 10, 2012) from the Maryland Department of Natural Resources Natural Heritage Program has determined that the project site falls within part of a wetland that is designated in state regulations as a Nontidal Wetland of Special State Concern (NTWSSC) and is regulated, along with its 100-foot upland buffer, by the Maryland Department of Environment. The species of special concern is the state listed threatened Climbing Fern (*Lygodium palmatum*). This species is known to occur adjacent to the subject property in Hunting Park Woods." A copy of the letter was not included, but is requested to be submitted prior to signature approval of the TCP1.

A "Survey for Climbing Fern" dated January 11, 2013 has been submitted; however it was unsigned. Prior to signature approval of the PPS a signed copy of the survey shall be submitted and is recommended. According to the survey, no specimens of the threatened species were

located on-site. The results of the survey initially states that this site may contain potential habitat for climbing fern, and later states that "habitat for this plant is likely not present, and therefore the plant is not likely to be found at this location. We don't anticipate that development on the northern portion of the site will have any effect on the hydrology at the south end." Prior to signature approval of the preliminary plan, a copy of the letter from the Department of Natural Resources regarding the presence of rare, threatened and endangered species shall be submitted. The Maryland Department of Environment may require additional information regarding the presence of climbing fern prior to the issuance of any grading permits.

The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type 1 Tree Conservation Plan (TCP1-007-14) was submitted with the review package.

According to the TCP1, no woodlands are proposed to be cleared. However, the plan appears to show two different tree lines. It appears as though one of the tree lines is proposed to be disturbed. The discrepancy of the tree lines need to be resolved prior to the signature approval of the PPS but will not have a significant impact on the proposed woodland conservation because all of the onsite priority woodlands, located within the PMA, are not proposed to be disturbed.

The Woodland Conservation Worksheet on the TCP1 has a discrepancy that has caused an error in the calculations. The gross tract area for the site should be changed from 6.70 acres to 6.39.

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010. TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

After careful consideration has been given to the preservation of the specimen trees and 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 Subtitle 25 provided all of the required findings in Section 25-119(d) could be met. A Letter of Justification stating the reasons for the request and how the request meets each of the required findings must accompany an application for a variance.

A statement of justification in support of a variance for the removal of four (4) specimen trees dated October 2, 2014 was submitted to EPS as part of this application. No Subtitle 25 Variance Application was included. The statement of justification requests the removal of six (6) specimen

trees, but only identifies four (4) specimen trees. The letter does not provide a condition analysis of each tree nor a separate justification for each tree.

Because the submitted information was not sufficient enough to review the applicant's request, the variance has been denied with the approval of this preliminary plan. If, at the time of the review of the Type 2 Tree Conservation Plan, the design still proposes the removal of specimen trees, a variance request should be submitted with the TCP. The Application would be reviewed by the Planning Director or designee.

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Fallingston Sandy Loam (0–2 percent slopes), Sassafras Sandy Loam (5–10 percent slopes), Sassafras-Croom Complex (5–10 percent slopes), Sassafras-Urban Land Complex (0–5 percent and 5–15 percent slopes), and Sassafras and Croom soils (15–25 percent slopes). According to available information Marlboro clay and Christiana complexes are not present onsite. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review. No further action is needed as it relates to this Preliminary Plan of Subdivision review.

As revisions are made to the plans submitted the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

9. **Primary Management Area (PMA)**—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 Primary Management Area (PMA).

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The TCP1 proposes to preserve the entire onsite PMA, which includes a wetland, stream and their associated buffers. No impacts to regulated environmental features are proposed. 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 (LOD) shown on the tree conservation plan.

10. **Stormwater Management**—The property is partially located within the City of Bowie. The development area of the site is that portion within the City. At the Subdivision and Development Review Committee Meeting on September 12, 2014 the Department of Permitting, Inspection and Enforcement and the City of Bowie agreed that the approval of the stormwater management plan is under the authority of the City of Bowie. The applicant has filed a stormwater management plan with the City of Bowie but it is not yet approved. The submitted stormwater concept plan shows that the majority of the site runoff will be treated through a series of bioretention areas. It also appears that some stormwater runoff will sheetflow to the existing on-site stream. The stormwater concept is pending approval with the City of Bowie, and will be approved under the current regulations requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) and requires treatment for 50 percent water quality volume for the impervious area within the proposed disturbed area and 100 percent water quality and channel protection for new impervious area.

Conformance with the 2010 Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, 100-year floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of Environmental Resources (DER), Prince George's Soil Conservation District, Maryland-National Capital Park and Planning Commission (M-NCPPC) and Washington Suburban and Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

11. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential development.
12. **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 Bowie and Vicinity master plan, in order to implement planned trails, bikeways, and pedestrian improvements. This PPS is exempt from Section 24-124.01 of the Subdivision Regulations because it is not located within a General Plan Center or Corridor per Plan Prince George's 2035.

There is one master plan trail issue that impacts the subject site. Eleventh Street (MD 564) is designated as a shared use bikeway and a master plan trail (or sidepath) corridor as reflected on both the area master plan map and the MPOT map.

The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Currently, MD 564, which is under the jurisdiction of the SHA, includes no existing sidewalks along its length in the vicinity of the subject property. However, there is one designated pedestrian street crossing at the adjacent Huntington South Recreation Center (M-NCPPC), and a bus stop exists to the west of the site, on the south side of MD 564. MD 564 also includes a narrow shoulder in each direction that is generally one- to two- feet in width. The SHA has also placed "Share the Road with a Bike" signage along the road at several locations. The MPOT includes the following background regarding the recommended sidepath and on-road bicycle facilities recommended along MD 564, including the frontage of the subject site:

MD 564 Side path and On-Road Bicycle Facilities: Provide continuous bicycle and pedestrian improvements along MD 564 with either a wide sidewalk or side path for pedestrians and recreational cyclists, and wide curb lanes, bike lanes, or shoulders for on-road bicyclists if practical and feasible. These facilities are needed to improve pedestrian safety along this heavily traveled corridor. They will improve access to numerous commercial areas and MARC (MPOT, page 21).

The construction of this master plan trail along the frontage of the subject site is conditioned, unless modified by SHA. In addition, a complete sidewalk connection from the building entrance to public right-of-way is conditioned to accommodate pedestrian access to the site from the surrounding residential communities.

13. **Transportation Planning Section**—The applicant submitted a traffic study dated April, 2013. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "Transportation Review Guidelines, Part 1." The study was accepted for review with the counts being more than one-year old at the time of application acceptance. It was determined that due to limited growth in the area, plus a determination that the study intersections were well within

acceptable levels, that the study could be deemed acceptable for review. The study identified the following two intersections as being critical:

- MD 197 at Race Track Road
- Chestnut Avenue at 11th Street

In analyzing these intersections, the traffic study identified six background developments (based on a midday Saturday trip generation) that could impact the critical intersections. These developments are:

- Colts Neck (4-08056)
- Norman School Road (4-02040)
- Bowie Lots 101-104 (4-02040)

In addition to the background developments, the traffic study assigned 361 (177 IN; 184 OUT) trips as the appropriate trip generation for a 30,000-square-foot church based on recommendation from *Trip Generation Manual, 9th edition* (Institute of Transportation Engineers). Based on an evaluation of existing, background and proposed site-generated traffic, the following results were determined:

(Saturday 11:00 AM to 2:00 PM)			
Intersection	Existing	Background	Total
MD 197 at Race Track Road	A/424	A/426	A/511
Chestnut Avenue at 11 th Street *	23.9 Seconds	24.6 Seconds	43.3 Seconds
Site Access at 11 th Street *	N/A	N/A	18.3 Seconds
*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.			

Based on the results shown above, the traffic study concludes that "each intersection is projected to maintain acceptable levels of service." Having reviewed the traffic study, staff concurs with its conclusion.

In addition to the Saturday evaluation, the critical intersections were analyzed in order to determine the levels-of-service (LOS) based on week day peak-hour traffic. A 30,000-square-foot church would generate 16 AM and 16 PM peak-hour trips. Using existing counts, background

development as noted above, plus the impact of the church with trip distribution as shown in the study, the results are as follows:

EXISTING		
Intersection	AM	PM
MD 197 at Race Track Road	A/688	A/898
Chestnut Avenue at 11 th Street*	21.5 Seconds	28.8 Seconds
BACKGROUND		
MD 197 at Race Track Road	A/690	A/903
Chestnut Avenue at 11 th Street*	21.6 Seconds	30.1 Seconds
TOTAL		
MD 197 at Race Track Road	A/691	A/904
Chestnut Avenue at 11 th Street*	21.9 Seconds	30.3 Seconds
Site Access at 11 th Street *	12.2 Seconds	10.2 Seconds
*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.		

Plan Issues

The property is located within the 2006 Bowie and Vicinity Master Plan area and is also regulated by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The property fronts on MD 564 which has a master planned designation of C-314, a two-lane collector with a minimum right-of-way of 80 feet. Therefore, dedication of 40 feet from the centerline of MD 564 is required.

An easement (liber/folio) providing driveway access to an adjacent residence crosses the subject property. The concept plan indicates that the church intends to have a main access onto 11th Street with a secondary access by means of the easement. It is noted that use of a single access or the main access plus the easement is determined to be acceptable.

14. **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 has no impact on schools because it is a nonresidential use.

15. **Fire and Rescue**—The Special Projects Section has reviewed this application for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Bowie Fire/EMS Co. 19. This first due response station, located at 13008 9th Street, is within the maximum of seven minutes travel time.

Capital Improvements Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

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.”

16. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie, Maryland. 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, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using the 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

17. **Water and Sewer Categories**—Section 24-122.01(b)(1) 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 this property in Water and Sewer Categories 3, Community System and the rest in categories 4, Community System Adequate for Development Planning. Therefore, the site will be served by public systems.

18. **Prince George’s County Health Department**—The PPS was referred to the Prince George’s County Health Department for review. Comments had not been received at the time of writing of this technical staff report.

19. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when PUEs are required by a public utility company, the subdivider should include the following statement 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 PUE along the public right-of-way as required, which will be reflected on the final plat of subdivision. However, utilities serving the dwelling on Parcel 198 cross the subject site and are pole mounted. The utilities should be placed in a ten-foot PUE to ensure service to Parcel 198.

20. **Historic**—There are two structures on the subject property, a residence built ca. 1946 and a garage that was likely built at the same time. This application proposes to demolish the garage, but retain the residence as a parsonage. No additional documentation on the existing structures is recommended. This proposal will not impact any historic sites or resources or documented properties.

Phase I archeological survey is not recommended on the property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any known archeological resources.

21. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new PPS is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new PPS is recommended if residential development is to be proposed.
22. **Washington Suburban Sanitary Commission (WSSC)**—The PPS was referred to WSSC for review and comment. A memorandum from the agency was received on September 17, 2014. The following comments were provided:

Show right-of-way limits on plan for all existing and proposed water mains. Adjacent parcel, Parcel 198, seemed to be a landlocked parcel that has existing WSSC service connections. Please show any easements granted to Parcel 198 on this plan.

A private 30-foot (water and/or sewer) house connection easement will be required and must be recorded on Parcel number 119 to serve Parcel 198. Delineate the easement and label the horizontal width on the plan.

Therefore, a 30-foot-wide WSSC house connection easement (through proposed Parcel A to serve Parcel 198) should be delineated on the PPS. At the time of final plat, the recorded easement document shall be submitted to staff and delineated on the final plat. If the easement has not been

recorded at the time of final plat, the following language should be added to the Owner's Dedication of the plat:

"The WSSC house connection easement will be granted upon request of the Washington Suburban Sanitary Commission, subject to the terms and provisions to be recorded upon such request."

23. At the hearing on November 6, 2014, the Planning Board approved revised Condition 8 as recommended by the City of Bowie, as well as an additional condition (#13) submitted by staff. Additionally, the Planning Board approved the proffered condition of the applicant, which was recommended Condition 3 of the City of Bowie, along with the associated findings of fact.

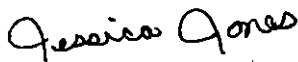
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

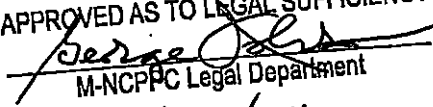
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, November 6, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WM:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 11/14/14