

R E S O L U T I O N

WHEREAS, Westphalia United Methodist Church, Inc. is the owner of a 10.56-acre parcel of land known as Parcels 155, 297, 330 and 331, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 31, 2008, Westphalia United Methodist Church, Inc. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 1 outlot and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08030 for Westphalia United Methodist 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 October 23, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on October 23, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/082/04-01), and further APPROVED Preliminary Plan of Subdivision 4-08030, Westphalia United Methodist Church, Inc., for Parcel A and Outlot A with the following conditions:

1. Prior to signature approval of the Preliminary Plan of Subdivision 4-08030, the following technical corrections shall be made:
  - a. Relabel part of Parcel 330 being zoned R-R not R-T.
  - b. Correct the gross/net acreage to include that part of Parcel 330 included in the plan.
  - c. Correct the zoning of abutting properties.
  - d. Revise the acreage to accurately reflect that the site is 10.56 acres.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #30948-2004-01 and any subsequent revisions.
4. The applicant and the applicant's heirs, successors and/or assignees shall provide:
  - a. A sidepath, minimum eight-feet wide, along the D'Arcy Road frontage, unless modified by

DPW&T.

- b. A sidewalk connection leading from the building to the sidepath on D'Arcy Road.
5. The proposed development shall be limited to a mix of uses which do not generate more than 19 AM and 17 PM peak-hour trips during the weekday. Any development generating an impact greater than that identified herein shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.”
  6. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
    - a. **Westphalia Road/D’Arcy Road intersection**
      - Conduct a signal warrant study and install signal or other appropriate geometric improvements if deemed necessary by DPW&T.
  7. At the time of final plat the applicant shall dedicate right of way for D’Arcy Road of 48 feet from the center line of the right-of-way as reflected on the preliminary plan of subdivision.
  8. Any residential development of the subject property with the exception of one single-family dwelling unit or as exempt pursuant to Section 24-107 of the Subdivision Regulations shall require the approval of a new preliminary plan of subdivision prior to the approval of any permits.
  9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the PMA except for the area of the stormwater outfall and shall be reviewed by the Environmental Planning Section prior to approval. 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.”
  10. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  11. Prior to signature approval of the TCPI, it shall be revised to add a site statistics table that includes: total acreage of the site, total acreage in the floodplain, and total acreage of woodland (in and outside of the floodplain). The following note shall be placed under the table: “The statistics provided above have been revised since the approval of NRI/036/08.”

12. Prior to signature approval of the TCPI, it shall be revised to show the existing site features correctly as reflected on the NRI.
13. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Add the standard TCPI worksheet that details how the woodland conservation requirements and how they will be met. The worksheet must show the correct acreage of existing on-site woodland.
  - b. Show all of the required standard notes and symbols.
  - c. Show all existing and proposed easements.
  - d. Show symbols that clearly distinguish between the existing and proposed contours.
  - e. Label the plan as a TCPI.
  - f. Add a signature block that shows the previous approvals (including name and date) typed into the signature block on the plan.
  - g. Revise the TCPI to include the full extent of the PMA on-site per the approved NRI/036/08 and off-set the line from the limits of disturbance so it will be clearly visible.
  - h. Have the qualified professional who prepared the plan sign and date it.
14. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/082/04-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provision of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the office of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
15. Prior to the approval of the final plat, the applicant shall submit an executed deed of conveyance (signed by all parties) of Outlot A to the property owner of Lot 1 and shall submit a recorded deed of the conveyance prior to the approval of a grading permit. If the applicant is unable to submit a copy of the executed deed to conveyance of Outlot A to the property owner of Lot 1, Outlot A shall be incorporated into Parcel A or remain and retained by the applicant prior to final plat.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located along the north west side of D’Arcy Road approximately 100 feet northeast of its intersection with Westphalia Road. The Westphalia Towns development, abutting to the west, is zoned R-T and the subject of an approved Preliminary Plan of Subdivision (4-07060) for the development of 200 attached and five detached dwelling units. A Detailed Site Plan (DSP-08027) is currently pending for the development. To the south west is I-1 zoned land that is utilized as a contractors storage yard. Abutting to the east and north is R-R zoned land, generally developed with large lot single-family dwelling units.
  
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Use(s)	Accessory structures	Institutional
Acreage	10.56	10.56
Outlots	0	1
Parcels	4	1
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the above-referenced Preliminary Plan of Subdivision, 4-08030, and Type I Tree Conservation Plan, TCPI/082/04-01, stamped as received on September 22, 2008. The TCPI has been substantially revised since the previous approval associated with Preliminary Plan of Subdivision 4-04136 and no longer contains the required worksheet or the standard notes. However, the layout and limits of disturbance do not appear to have changed from the original approval.

A review of the available information indicates that streams, wetlands, areas of 100-year floodplain, severe slopes in excess of 25 percent and steep slopes between 15 and 25 percent with highly erodible soils are found to occur within the limits of this application. No transportation-related noise generators with a classification of arterial roadway or higher have been identified in the vicinity of this property. The soils found to occur according to the *Prince George’s County Soil Survey* include Beltsville silt loam, Bibb silt loam, Croom gravelly loam, Gravel and borrow pits, Leonardtown silt loam and Sassafras sandy loam. With the exception of the Sassafras soils each of the other soil groups have limitations that may affect the construction phase of the development. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Natural Resource Inventory, NRI/036/08, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Westphalia Road, which is located approximately 100 feet south of this property, is a designated historic road. This property is located in the Southwest Branch watershed of the Patuxent River basin.

### **Conformance With the Westphalia Sector Plan**

The subject property is located in the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. There are four policies in the Westphalia Sector Plan that relate to Environmental Infrastructure:

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

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

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

**Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

**Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a Natural Resource Inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

**Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**

**Encourage shared public/private stormwater facilities as site amenities.**

**Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

The plan shows a stream valley along the western portion of the site. A stream corridor assessment is not required because the plan does not propose any road crossings or other essential impacts that would require crossing the on-site stream. The plan proposes the use of sand filters and a bioretention facility for stormwater management on-site. The existing woodland adjacent to the stream valley is proposed for preservation.

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

**Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

**Encourage the use of alternative energy sources such as solar, wind, and hydrogen power.**

**Provide public examples of uses of alternative energy sources.**

This site address efficiencies to the fullest extent possible through the current design. No additional information is necessary.

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

**Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**

**Restrict uses within the noise impacts zones of Andrews Air Force Base to industrial and office use.**

**Evaluate development proposals using Phase I noise studies and noise models.**

**Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**

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

This property is located within the noise impact zone for Andrews Air Force Base. According to the 1998 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property are approximately 68 dBA Ldn. These noise levels are within the state noise standards for the proposed use, because residential uses, and residential-type uses such as a day care center are not proposed. No additional information is needed to address this policy.

**Countywide Green Infrastructure Plan**

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

**Environmental Review**

A signed Natural Resource Inventory, NRI/036/08, was submitted with the review package. The NRI indicates that there are streams, wetlands, and steep and severe slopes located on-site. The Forest Stand Delineation (FSD) notes three stands totaling 9.61 acres and includes three specimen trees. As noted below, the TCPI does not show the existing site features correctly as reflected on the NRI.

The revised plans were required to cover a larger area because a parcel in the southwestern corner of the site had inadvertently not been included. Because this project had a previously approved plan, the NRI will not be required to be revised and the new site statistics will be reflected on the TCPI.

The following descriptions apply to the NRI submitted: Forest Stand A covers approximately 2.82 acres on the southeastern portion of the site and is dominated by red maple and black cherry.

The dominant-sized trees range in size from 10 to 19.9 inches in diameter at breast height. One 30-inch red maple specimen tree was identified in this stand.

Forest Stand B covers approximately 4.14 acres and is located on the northern-most portion of the site. This stand is classified as an early, intermediate-aged, mixed hardwood upland forest. The dominant species are sweetgum and Virginia pine, with the average sizes ranging between ten and 17.9 inches in diameter. This stand contains a 35-inch white oak specimen tree in good condition. The stand contains a large percentage of Virginia pine trees which are subject to windfall, making preservation of this woodland a low priority.

Forest Stand C contains approximately 2.65 acres of mature bottomland forest, and is located along the western portion of the property. Red maple and sweetgum are the co-dominant species in this stand, ranging in size between 18 and 29.9 inches in diameter. There is one 32 inch diameter tulip poplar specimen tree in good condition located in this stand. Due to the presence of waters of the U.S. and nontidal wetlands in this stand, this stand is considered to be a high priority for preservation.

Prior to signature approval of the TCPI, the plan should be revised to add a site statistics table that includes: the total acreage of the site, total acreage in the floodplain, and total acreage of woodland (in and outside of the floodplain). The following note should be placed under the table: "The statistics provided above have been revised since the approval of NRI/036/08." Prior to signature approval of the TCPI, it should be revised to show the existing site features correctly as reflected on the NRI.

The site is subject to the Prince George's County Woodland Preservation and Tree Conservation Ordinance because there are previously approved Tree Conservation Plans, TCPI/082/04 and TCPII/132/05, for the overall site respectively. The previously approved Type II tree conservation plan proposed to meet the 3.6 acres of required woodland conservation on-site with preservation of existing woodlands.

The Type I Tree Conservation Plan, TCPI/082/04-01, has been reviewed. The first submission of the TCPI for this site contained a worksheet, most of the required notes and was labeled a TCPI. The September 22, 2008 submission contains no worksheet, none of the required notes and is labeled as a TCPII in two places. The plans do not state the requirement for woodland conservation or the tabulation of how the requirement will be met and should. Based on the previous approval the required woodland conservation should be roughly 3.6 acres and staff anticipates that the applicant will provide on-site woodland preservation for fulfillment of the woodland conservation requirement, although not required.

The September 22, 2008 submission of the TCPI has been found to require numerous revisions. The plans must be revised to include: a standard worksheet detailing the requirements and how they will be met; all of the required standard notes and symbols; all existing and proposed easements; symbols that clearly distinguish between the existing and proposed contours. A signature block also needs to be added with the previous approvals (including name and date) typed into the signature block on the plan.

The Patuxent Primary Management Area (PMA) is not clearly delineated in its entirety on the TCPI and should. The TCPI should be revised to include the full extent of the PMA on-site per the approved NRI/036/08 and off-set the line from the limits of disturbance so it will be clearly visible.

There is an acreage discrepancy between the NRI, the previously approved TCPI, and the current TCPI submission. The NRI and the previously approved TCPI listed the woodland acreage on-site as 9.22 acres. The current TCPI submission lists the woodland acreage on-site as 9.6 acres. When the worksheet is added to the plan, it should include the correct acreage of existing woodland on-site.

The Subdivision Ordinance, Section 24-130(b)(5) requires that a property that is partially or totally within the Patuxent River Watershed, the plat shall demonstrate adequate protection to assure that the Primary Management Area (PMA) be preserved in a natural state to the fullest extent possible. A Letter of Justification was received with the September 22, 2008 submission for impacts to the PMA.

The proposed impacts are limited to two areas associated with the outfall for the proposed stormwater management pond. The outfall is associated with the bioretention facility proposed for the southern portion of the property. Staff is in support of the impacts because they are necessary to meet the stormwater management requirements.

A copy of the stormwater management concept plan was submitted for review with this application. The associated stormwater management concept approval letter was submitted with the September 22, 2008 package. The stormwater management concept plan shows a proposed sand filter for the northern portion of the site and a proposed bioretention facility for the southern portion of the site. The TCPI correctly shows both of these proposed stormwater management facilities.

This property is located within the noise impact zone for Andrews Air Force Base. According to the 1998 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property are approximately 68 dBA Ldn. These noise levels are within the state noise standards for the proposed use. No further information is required with respect to adverse noise impacts associated with the aircraft from Andrews Air Force Base.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources (DER) dated June 2003, and the site will therefore be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in the Westphalia Community.



The master plan land use recommendation is for low-density residential. The SMA retained the property in the R-R Zone. A church is a permitted use in the R-R Zone by right, and is consistent with the master plan land use recommendations as set forth by the SMA.

The 2002 General Plan locates this property within the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities that are increasingly transit serviceable. The proposed development is consistent with the R-R Zone and a moderate density suburban character.

The subject property has approximately 250 feet of frontage along D'Arcy Road, but is less than 100 feet north of the intersection with Westphalia Road at its southern edge. There is no direct access to other public roads, thus all vehicular access to this proposed preliminary subdivision will be from D'Arcy Road (C-627). Both D'Arcy and Westphalia Roads are proposed for improvement as multilane collector roadways as development occurs within the Westphalia area. The extension of D'Arcy Road south through the Smith Home Farms development project will result in a major intersection at this location. The driveway connection(s) for any proposed development on the subject property should be located as far away from this major intersection as possible.

6. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Ordinance, any lot that is being created in a one-family zone, that has a net lot area of one (1) acre or more is exempt from the requirements of the mandatory dedication of parkland.
7. **Trails**—The property is subject to the recommendations of the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. There is a master plan trail on D'Arcy Road identified in the sector plan. The plan recommends that D'Arcy Road remain a two-lane primary road serving residential uses. The plan also recommends that primary roads like D'Arcy Road remain “valuable for pedestrian and bicycle movement...” (page 25) and that traffic calming measures are appropriate on D'Arcy Road. The countywide trails plan recommends that D'Arcy Road become a *dual-use* bicycle facility. A *dual-use* bicycle facility means a road contains both striped bike lanes and a side path. Improvements within the right-of-way of D'Arcy Road are under the jurisdiction of the DPW&T Works and Transportation (DPW&T) and will be reviewed with the street construction and access permits.

8. **Transportation**—The following are comments concerning site access, geometric design and the traffic impact of the subject application.

The Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 7th Edition*, lists churches as having a trip rate of 0.72 trip per 1000 square feet of gross floor area (GFA) during the AM peak-hour, and 0.66 trip per 1000 square feet of GFA during the PM peak-hour. Additionally, the ITE manual shows a peak-hour trip rate of 11.76 trips/1000 sq. feet of GFA on Sundays. The applicant is proposing a church with a floor area of 25,816 square feet. Based on the ITE rates, the proposed church facility would generate 19 AM and 17 PM peak-hour vehicle trips on weekdays, and 304 trips during the peak-hour on Sundays.

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

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

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The Westphalia Road / D'Arcy Road intersection, when analyzed with existing traffic was found to be operating with a level-of-service (LOS) of D/34.2 seconds during both the AM peak-hour, and C/18.4 seconds during the PM peak-hour. Based on the results from an April 2008 traffic study, this intersection will operate with a delay in excess of 50 seconds during both peak-hours, with the inclusion of background developments.

In a July 17, 2008 letter to staff, the applicant's representative has indicated that the proposed uses involved two services on Sundays between 7:00 AM and 1:00 PM. Regarding weekday uses, all activities are likely to occur in the evenings, beyond the PM peak-hour. When the subject intersection was analyzed under total traffic conditions, the resulting LOS was F/999+ seconds during both peak-hours.

In some communities, where a church is located in close proximity to high-volume shopping and retail facilities, a traffic analysis would be recommended for Saturdays and Sundays in addition to the customary weekday peak operations. However, staff did not consider a Sunday analysis for

this intersection, since a heavier than normal traffic flow along the Westphalia Road corridor is not anticipated.

The finding of adequacy was predicated on the property generating 19 and 17 trips during the AM and PM peak-hours respectively. A trip cap reflecting those trip projections is a condition of approval.

Regarding on-site circulation, there are no issues. Dedicated right-of-way along the properties frontage on D'Arcy Road of 48 feet from the center line is required which is a master plan collector facility with a variable width right-of-way. The preliminary plan reflects the appropriate dedication.

Adequate transportation facilities will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—There are no residential dwelling units proposed; therefore, no anticipated impacts on schools.
10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru(E) of the Subdivision Ordinance and found the following:
  - a. The existing engine service at Forestville Fire/EMS Station, Company #23, located at 8321 Old Marlboro Pike, has a service travel time of 2.46 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Forestville Fire/EMS Station, Company #23, located at 8321 Old Marlboro Pike, has a service travel time of 2.46 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Kentland Fire/EMS Station, Company #46, located at 10400 Campus Way South has a service travel time of 9.99 minutes, which is beyond the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at District Heights Fire/EMS Station, Company #26, located at 6208 Marlboro Pike, has a service travel time of 7.72 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system 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.

Forestville Fire/EMS Station, Company 23, is recommended for relocation in the 2008 Approved Public Safety Facilities Master Plan. The plan recommends that the site be relocated to a site in the vicinity of Melwood Road and Pennsylvania Avenue (MD 4). The relocation of the existing Forestville Fire/EMS Station is programmed for funding between 2014 and 2020. The Forestville Fire/EMS Station would be within the recommended travel time for paramedic and ladder truck service, if an operational decision to locate these services at Company 23 were made by the County.

11. **Police Facilities**—The proposed development is within the service area for Police District II, Bowie. The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of building space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline. The proposed development is within the service area for Police District II Bowie.
12. **Health Department**—The Health Department, Environmental Engineering program has reviewed the preliminary plan of subdivision and has no comment to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. Stormwater Management Concept Plan No. 30948-2004-01 was approved on September 17, 2008. Development should be in accordance with the approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic**—Phase I archeological survey was completed on the 10.22-acre subject property located at 9361 D'Arcy Road, in January 2005. No archeological sites were identified and no further work was recommended on the property. Staff concurred with the report's findings and recommendations that no additional archeological investigations are necessary on the Westphalia United Methodist Church property. A final report, *Phase I Archeological Survey, Westphalia United Methodist Church, Prince George's County, Maryland* was accepted by Historic Preservation staff on April 28, 2005. However, the applicant should be aware that one historic resource, Dubliner and Cemetery (78-010), is located within a one-mile radius of the subject property. In addition, 17 archeological sites have been identified within a one-mile radius of the subject property. One site is prehistoric, 14 are historic, and two are multi-component prehistoric and historic sites.

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

15. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Ordinance, when utility easements are required by a public utility company, the subdivide shall include the following statement in the dedication documents recorded on the record plat:

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

The preliminary plan correctly demonstrates a ten-foot public-utility easement alongside the public right-of-way.

16. **Conversion to Residential Development**—While the subject application is not proposing any residential development, the R-R Zone does permit residential development and a new preliminary plan should be approved if such a land use was proposed for this site other than one single-family dwelling unit. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

17. **Outlot A**—The applicant has proposed Outlot A (1,620 square feet) which is intended to be conveyed to the owner of Lot 1 (R-R Zone), abutting to the south. Several accessory structures, to the single-family dwelling unit on Lot 1, encroached onto the subject property (proposed Parcel A). The applicant in this case could require that the owner of Lot 1 remove or relocate those structures which have been constructed on Parcel A. Instead the applicant has proposed to create Outlot A where those structures are located and convey that land to the owner of Lot 1, so that those structures do not have to be razed. The applicant has contacted the owner of Lot 1 and has indicated that they do have the agreement of the owners of Lot 1 to accept the conveyance of the outlot. The applicant should demonstrate that agreement prior to final plat and should convey the property prior to grading permits. If the applicant can not obtain an executed agreement from the owners of Lot 1, the outlot should be incorporated back into Parcel A and retained by the applicant.

Staff would note that at the time of building permit *the Prince Georges County Landscape Manual* will require a landscape buffer abutting the common lot line with Lot 1 single-family dwelling (SFD). Due to the encroachments, the required buffer would not be able to be placed on the property line as required. This would result in the applicant having to obtain alternative compliance from the strict compliance with the Landscape Manual, as a result of the encroachments. By conveying the outlot to the owner of Lot 1, the applicant creates a parcel line free of encroachments.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 30, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of November 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs