

R E S O L U T I O N

WHEREAS, William Armah is the owner of a 1.76-acre parcel of land known as Tax Map 32, Grid E-1, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on February 8, 2008, Steven Aladekoba filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07042 for Royal House Chapel International 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 April 17, 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 April 17, 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, including Section 24-119(d)(4), Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-07042, Royal House Chapel International for Parcel A with the following conditions:

1. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
2. Prior to signature approval of the preliminary plan, the NRI shall be revised to reflect the correct acreage of existing woodland on the site, based on the plan titled "Exhibit to Support Exemption from Woodland Conservation Requirements."
3. The applicant and the applicant's heirs, successors and/or assigns shall provide a standard sidewalk along the frontage of the subject property, unless modified by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA).
4. Prior to signature approval of the preliminary plan, the applicant shall show sidewalks along the property frontage and the proposed vehicular access from Cool Spring Road.

5. Total development within the subject property shall be limited to total of 14,900 GSF church and related uses with maximum seating capacity of 200, or any equivalent allowable uses which generate no more than 20 (10-in, 10-out) AM peak hour vehicle trips, 23 (9-in, 14-out) PM peak hour trips, and 176 (88-in, 88-out) Sunday peak hour vehicle trips. Any development generating an impact greater than the levels identified herein, shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
6. At the time of final plat approval, the applicant shall dedicate the required rights-of-way along Riggs Road of 40 feet, and 30 feet along Cool Spring Road from existing centerlines and along the entire property frontage on these roadways. This existing access to Riggs Road shall be removed and the site access shall be from Cool Spring Road, subject to DPW&T review and approval.
7. 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:
 - The removal of existing access to Riggs Road and provision of new access to serve the proposed development and the existing church north of the site along Cool Spring Road per DPW&T standards and approval.
 - Modification of Cool Spring Road at its approach with Riggs Road to include an exclusive right-turn lane and a shared through/left-lane, per DPW&T standards.
 - Conduct traffic signal warrant studies for the intersections of Riggs Road/Cool Spring Road/20th Avenue and install said signal(s) if approved by DPW&T and SHA, or any other intersection improvements deemed to be necessary by DPW&T and SHA.
8. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
9. Prior to signature approval of the preliminary plan, the abandoned shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department. The location shall be indicated on the preliminary plan.
10. Development shall be in conformance with the approved Stormwater Management Concept Plan 9916-2006-00 and any subsequent revisions.

11. A detailed site plan shall be approved by the Planning Board pursuant to Part 3, Division 9 of the Zoning Ordinance.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Institution (Church)	Institution (Church) (approximately 14,907 square feet)
Acreage	1.76	1.76
Parcels	1	1
Public Safety Mitigation Fee		No

3. **Subdivision**—The subject property is zoned R-R. The subject application is not proposing any residential development; however, because different adequate public facility tests exist, and there are considerations for recreational components for residential subdivision, any future consideration for residential development should require the approval of a new preliminary plan of subdivision.
4. **Environmental**—A review of available information indicates there are no streams, 100-year floodplain or wetlands on the property. Runoff from the site eventually reaches Northwest Branch in the Potomac River watershed. According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Chillum and Sassafras series. Marlboro clay is not found to occur in the vicinity of this site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. No designated historic or scenic roads will be affected by this development. There are no nearby sources or source of traffic-generated noise. According to the 2005 Countywide Green Infrastructure Plan, there are no network features from the plan located on the site. The property is in the Developed Tier of the 2002 General Plan.

Environmental Issues Addressed in the Langley Park-College Park-Greenbelt Master Plan

The master plan does not note any environmental issues associated with this property.

Countywide Green Infrastructure Plan

The property is not within the designated network of the 2005 Countywide Green Infrastructure Plan network and is not located near any network elements.

Environmental Review

A signed Natural Resources Inventory (NRI), NRI/177/06, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The NRI shows that the property contains 10,885 square feet of existing woodland. This site is not subject to the provisions of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plan. On August 24, 2007, staff visited the site to evaluate the on-site woodland. Based on the site visit, staff concluded that the on-site trees do not qualify as woodland due to the small fragmented areas of the trees. On September 4, 2007, Standard Letter of Exemption was issued for the subject site; however, the NRI has not been revised to reflect the correct acreage of woodland.

According to the “Prince George’s County Soil Survey”, the soils on the site are in the Chillum and Sassafras series. Sassafras soils have a K factor of 0.43 and are considered highly erodible and may be problematic for grading on steep or severe slopes; however, there are no steep or severe slopes on the site. A soils report may be required by the county during the permit review process. If basements are proposed, a soils report will be required pursuant to CB-94-2004.

Water and Sewer Categories

The 2001 Water and Sewer Plan designate this property in Water and Sewer Category 3. Water lines in Riggs Road and Cool Spring Road abut the property. A sewer line in Riggs Road abuts the property. An on-site plan review is required by WSSC.

5. **Community Planning**—The site is located in the Developed Tier. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use pedestrian-oriented, medium-to-high-density neighborhoods, and this application conforms with the General Plan’s vision because a church use is considered an appropriate component to residential neighborhoods. The 1990 adopted SMA classified this property in the R-R Zone. The development proposal conforms to the land use recommendations of the *1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* for a church use which is permitted in urban residential areas that are developed at 1.6 to 2.6 dwellings per acre.
6. **Parks and Recreation**—According to Section 24-134(a) of the Prince George’s County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because the development is non-residential.
7. **Transportation**—The property is located on the west side of Riggs Road (MD 212) where it

meets Cool Spring Road from the east and 20th Avenue from the west. Riggs Road on which the property fronts, is an existing two-lane collector roadway with recommended 80 feet of right-of-way. The subject property also has frontage on Cool Spring Road, which functions as a primary residential street with the required right-of-way of 60 feet. The subject property is located within the Developed Tier as defined in the *General Plan for Prince George's County*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;

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.

As a follow-up to the Subdivision Review Committee Meeting, staff informed the applicant that weekday and weekend traffic counts for the unsignalized intersection of Riggs Road/Cool Spring Road/20th Avenue, identified as the critical intersection, were needed. In response, on March 17, 2007, the applicant submitted acceptable weekday and Sunday peak hour turning movement counts, which is used in the evaluation of the existing and proposed Level of Services (LOS). It is important to note however, that the submitted peak hour analysis submitted by the applicant's traffic consultant does not take into consideration the applicant's wish to continue to use the existing driveway that functions as a fifth-leg at this intersection.

Based on the recommended trip generation rates that are reported in the *ITE's Trip Generation Manual, 7th Edition*, the proposed church development will generate 20 (10-in,10-out) AM peak hour trips, 23 (9-in,14-out) PM peak hour, and 176 (88-in,88-out) Sunday peak hour trips. Using the information provided, staff has determined that the critical intersection of Riggs Road/Cool Spring Road /20th Avenue currently operates with 20, 45, and 79 seconds of maximum delay during the AM peak, PM peak and Sunday Peak hours, respectively. The reported delays are based on a four-legged intersection layout, which assumes access to the proposed church will not be at the existing driveway.

The preliminary plan proposes to improve and use the existing single-family driveway access via Riggs Road. The applicant submitted a justification request to maintain the existing site access via Riggs Road. The applicant states, "If the strict letter of this regulation is carried out, it will result in hardship . . . because of the particular physical surrounding, the shape and typographical conditions at the frontage of our property." The applicant cites the submitted Traffic Count Analysis as supporting documentation of the "viability and workability of this option." The applicant also states that if granted the variation request they ". . . are committed to making any necessary improvements to the existing apron."

Allowing the applicant to maintain the existing access would transform this unsignalized intersection of Riggs Road/Cool Spring Road /20th Avenue into a five-legged intersection. This would create significant traffic operation problems and possible unsafe situations for all traffic using this intersection. The adjacent property to the north that also operates as a church also faces the same issue and challenge because the two share the same access. The physical surroundings, shape or topographical conditions of the subject property do not cause the property owner a particular hardship to relocate the existing access point. There are no environmental features to hinder the applicant from altering the proposed access to Cool Spring Road. The reported delays cited in the Traffic Count Analysis are based on a four-legged intersection layout, which assumes access to the proposed church will not be at the existing driveway.

Therefore, staff is not in support of the request to provide access along Riggs Road. Any access on Cool Spring Road will be within 200' of Riggs Road.

With the additional site traffic, the critical intersection of Riggs Road/Cool Spring Road /20th Avenue would continue to operate with side street delays exceeding the 50-second maximum delay threshold during the PM and Sunday peak hours. The provision of a two-lane approach along Cool Spring Road (an exclusive right lane and a shared through and left lane) would improve traffic operations along this intersection, especially during the weekend peak hours. Since the critical intersection of Riggs Road/Cool Spring Road /20th Avenue will be operating with delays greater than 50 seconds per car during the PM and Sunday peak hours, staff generally recommends that the applicant provide a traffic signal warrant study and install the signal, if it is deemed warranted by the appropriate operating agency.

Sidewalks are also recommended along the property frontage and/or any other improvements required by the appropriate operating agency. To this end, staff is requesting that the applicant revise the submitted preliminary plan to show sidewalks along the property frontage and the proposed vehicular access from Cool Spring Road. Regarding the site layout and overall circulation, staff recommends that the existing adjoining church located north of the subject site be provided an access easement through this site, such that the existing dual access to Riggs Road is completely eliminated.

PLANNING BOARD CONCLUSIONS

Based on the preceding findings, the Planning Board concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with these findings.

8. **Police**—The proposed development is within the service area for Police District III, Palmer Park. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is completed on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of 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 standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline.

9. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan application for a church for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations. The existing fire engine service at Chillum Adelphi Fire Station, Company 34 located at 7833 Riggs Road has a service travel time of 2.37 minutes, which is within the 3.25 minutes travel time guideline. The existing paramedic service at College Park Fire Station, Company 12 located at 8115 Baltimore Avenue has a service travel time of 7.00 minutes, which is within the 7.25 minutes travel time guideline. The existing ladder truck service at Chillum Adelphi Fire Station, Company 34 located at 7833 Riggs Road has a service travel time of 2.37 minutes, which is within the 4.25-minute travel time guideline. The above findings are in conformance with the approved Public Safety master plan, 1990 and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."
10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan of subdivision for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is an institutional/church use.
11. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that the abandoned shallow well found adjacent to the existing house must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location should be referenced on the preliminary plan. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed. A note should be affixed to the preliminary plan that requires that the structure is to be razed and the well properly abandoned before the release of the grading permit.

12. **Public Utilities Easement (P.U.E.)**—The PUE should be provided along all public rights-of-way. Trees located within the ten foot P.U.E. may be removed depending on the needs of the utility companies.
13. **Stormwater Management**— A Stormwater Management Concept Plan, CSD #9916-2006-00, was approved February 27, 2007, by the Prince George’s County Department of Public Works and Transportation with conditions. Development of the site must be in accordance with this approved plan and any revisions.
14. **Archeology**— Phase I archeological survey is not recommended on the above referenced 1.76 acre property located at 8501 Riggs Road in Langley Park, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. However, the applicant should be aware that there are 14 known archeological sites within a one-mile radius of the subject property. Eleven of these sites are pre-historic archeological sites located primarily along nearby Northwest Branch. Two of the three historic archeological sites are mill sites along Northwest Branch. In addition, there are four historic sites, the National Archives Site (PG:66-036), Cool Spring Farm (PG:66-005), Adelphi Mill and Storehouse (PG:65-006), and McCormick-Goodhart Mansion (PG:007); and one Historic Resource, William Forney House (PG:65-004), within a one-mile radius of the subject property. It is unlikely that any intact archeological sites will be identified on this property due to modern construction.

Tax records indicate that the existing house on the property was built in the 1930’s. A search of the deed records indicates that the house was probably built for Melvena E. Thomas Lederer. John Forney purchased a 50 acre farm at the intersection of Cool Spring Road and Riggs Road in 1877. A year later, he deeded the farm to his wife, Lizzie Forney. After the death of Lizzie Forney around 1914, the 50 acre farm was divided among her husband, John Forney, and her five children. Lena Forney Thomas received lots 3 and 10, containing about 9.64 acres. Lena and John W. Thomas conveyed half of lot 3, or 1.66 acres, to their daughter, Melvena Thomas Lederer, in 1938 (Liber 505 Folio 265). The existing house on the subject property was probably built for Melvena Thomas Lederer and her husband shortly after their marriage in the 1930’s. The William Forney House, a Historic Resource (PG:65-004), is located to the north of the subject property. The original owners of the house on the subject property are associated with the family who built the William Forney House.

Recommendations

Historic Preservation staff recommends that the applicant provide photographs of the existing house on the subject property. After review of the photographs, staff will determine whether the existing house on the subject property should be recorded on a Maryland Inventory of Historic Properties form.

15. **Historic Preservation**—This proposed subdivision will have no effect on Historic Resources.

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 Squire, seconded by Commissioners Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, April 17, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of May 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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