THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-06 File No. 4-09036

RESOLUTION

WHEREAS, Temple of Praise International Church is the owner of a 22.60-acre parcel of land known as Parcel A and Parcel 148, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential-Agricultural (R-A); and

WHEREAS, on October 22, 2009, Alpha Omega System, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09036 for Temple of Praise International Church was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 14, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 14, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/027/08), and further APPROVED Preliminary Plan of Subdivision 4-09036, Temple of Praise International Church, including a Variation from Section 24-121(a)(3) for 2 parcels with the following conditions:

1. At the time of permit application, the stormwater management technical plan and the landscape plan shall show the use of low-impact-development stormwater management techniques, such as bioretention, french drains, and the use of native plants, applied on this site to the fullest extent practicable.

2. At the time of building permits, a landscape plan shall be submitted for review by the Environmental Planning Section demonstrating the use of conservation landscaping techniques that reduce water consumption and minimize run-off resulting from the use of fertilizers or chemical application, to the greatest extent possible. The U.S. Fish and Wildlife Service publication "Native Plants for Wildlife Habitat and Conservation Landscaping—Chesapeake Bay Watershed" shall be used as a guide in developing the landscaping for the entire site.

3. The permit plans for the development shall contain the following note:

"Full cut-off optic light fixtures shall be used throughout the development and shall be directed downward to reduce glare and light intrusion."

4. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:

   a. Show conceptual grading for the subject application.

   b. Show the sewer line connection between the proposed structure and the septic fields as cleared. It cannot be credited as woodland conservation because it is necessary for future maintenance of the system; a minimum ten-foot-wide cleared work zone must be provided.

   c. Provide a minimum ten-foot-wide "clear" zone to be maintained at the top and bottom of all retaining walls in order to allow access for construction and maintenance of retaining walls. Retaining walls are currently proposed at the southern end of the parking lot and to the east of the church building.

   d. The area of the 100-year floodplain must be accurately graphically depicted on the plan and labeled in the legend. Areas within the 100-year floodplain cannot be counted as woodland preservation.

   e. The legend indicates a "woodland conservation area," which should be relabeled as "woodland preservation area."

   f. The legend indicates an "afforestation area," which should be relabeled as "afforestation/reforestation area."

   g. The legend indicates a "woodland replacement area," which should be included as "afforestation/reforestation area," and the graphic should be corrected on the plan.

   h. All preservation and afforestation/reforestation areas shown on the plan should be labeled with the methodology for woodland conservation (preservation, afforestation/reforestation), and the acreage to one-one hundredth of an acre for each area proposed.

   i. The graphic line shown on the plan as a series of lines and boxes shall be identified and included on the plan and in the legend if appropriate.

   j. Include a specimen tree table which includes proposed disposition for each identified specimen tree.

   k. The notes shall include all applicable standard TCPI notes. All incorrect and inapplicable notes shall be removed from the plan.

l. "Woodland conservation" shall not be shown within the area proposed to be dedicated for public right-of-way. The plan does not need to include the area within the right-of-way as clearing, but cannot credit woodlands within the right-of-way as woodland conservation.

m. The plan indicates separate tree save limits for specimen trees to be saved with existing forested area, which is unnecessary and shall be removed. The "tree save limits" for the specimen trees will be appropriately addressed on the TCPII.

n. The woodland conservation threshold of 9.28 acres shall be met on-site to the greatest extent practical.

o. A revised limit of disturbance based on the comments above shall be delineated.

p. The amount of on-site preservation and reforestation shall be recalculated, and the woodland conservation worksheet for the site shall be revised to incorporate the revisions noted above.

q. The revised TCPI shall be signed and dated by the qualified professional who prepared it.

5. 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/027/08), 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 provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County, Planning Department."

6. Prior to the issuance of any permits which impact 100-year floodplain, jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of pertinent local approvals, all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

7. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain the delineated Patuxent River primary management area, except for 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."

8. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to indicate the unmitigated 1.5 safety factor line. No structures or septic fields can be placed within the 1.5 safety factor line unless proper mitigation has been provided.

9. Prior to approval of the final plat, it shall be reviewed by the Department of Environmental Resources and/or the Department of Public Works and Transportation, as appropriate, to ensure that the location of the unmitigated 1.5 safety factor lines are correctly shown. The following note shall be provided on the plat:

> "The unmitigated 1.5 safety factor line is provided to ensure that design issues related to the presence of Marlboro clay are addressed as part of the design of any structures on the subject property."

10. Prior to the issuance of any grading permit, a geotechnical study, following at a minimum the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce, shall be submitted for review and approval to the Department of Public Works and Transportation to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-279 of the Building Code.

11. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

12. Development of this site shall be in conformance with Stormwater Management Concept Plan 29733-2007-01 and any subsequent revisions.

13. The permit site plan shall demonstrate adequate sidewalks at the front of the building and around the building leading from all exits to the front of the building.

14. The permit site plan shall demonstrate adequate curb ramps at all sidewalk and pathway locations.

15. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way (ROW) along US 301 (including the right-in, right-out) as shown on the proposed preliminary plan.

16. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program"; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

Southbound US 301 at Mitchellville Road

- Construct a free-flow right-turn lane at the eastbound approach
- Provide a shared through/left lane and an exclusive through lane on the westbound approach.
- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Northbound US 301 at Queen Anne Bridge Road

- Provide a shared through/left lane and an exclusive left lane on the eastbound approach
- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Median Break at US 301 SB/US 301 NB

- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency

17. Prior to final plat approval, a water appropriation permit must be obtained through the Health Department from the Water Rights Division of the Maryland Department of the Environment (MDE) if this facility has an average daily flow of water greater than 5,000 gallons.

18. Prior to final plat approval, a revised site plan of a scale of at least 1-inch equal 50 feet must be submitted to the Health Department designating the following remaining items:

    a. The sewage disposal area (SDA) designated by the Health Department as shown on the enclosed copy. Delete your proposed SDA lines from the plan that was reviewed today (December 23, 2009). Please calculate exactly the square footage of the newly outlined SDA.

    b. All prior water table and percolation test holes from 1978 and 1990.

    c. All December 2009 water table and percolation test holes must be field located by survey. The holes for WT-1 and PT1-2 must be re-located on the plan, as indicated on the enclosed copy, to correspond with the Health Department field measurements.

19. Prior to approval of the final plat, the applicant shall demonstrate that all white goods, tires (approximately 12), and one abandoned vehicle found in the wetlands on the southwest section of the property have been removed and properly disposed.

20. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

21. The applicant and the applicant's heirs, successors, and/or assignees, in accordance with the provisions of Council Bill CB-89-2004 and Section 24-122.01(d)(2) of the Subdivision Regulations, shall provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes, subject to the approval of the Fire Chief or his designee.

22. The application is a preliminary plan of subdivision for the construction of a 650-seat church, totaling 34,000 square feet of gross floor area. The proposed development would generate 19 (12 in; 7 out) AM peak-hour trips, 19 (9 in; 10 out) PM peak-hour trips. Based on information pertaining to church services provided by the applicant, the traffic study estimated that the church will generate 325 inbound trips between 7:00–8:00 a.m. on Sundays, and 325 outbound trips between 12:00–1:00 p.m. on Sundays. A trip cap is established per these trips. A note on the final plat shall reflect this trip cap.

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 on the east side of US 301, approximately 1,435 feet north of its intersection with Queen Anne Bridge Road. The property is zoned R-A along with neighboring properties on the east side of the highway. The property to the north is developed with a wholesale nursery. Properties to the south and east are developed with single-family dwellings. The two properties to the west of the bulk of the property, surrounding the driveway stem, are undeveloped. Property in the island of US 301, immediately across from the driveway, is zoned R-A and is undeveloped. Property fully across US 301 is zoned Miscellaneous Commercial (C-M) and is also undeveloped, but approved for two automobile dealerships.

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

	EXISTING	APPROVED
Zone	R-A	R-A
Use(s)	Vacant	Church and parish hall
Acreage	22.60	22.60
Lots	0	0
Outlots	0	0
Parcels	2	1
Dwelling Units	0	0

Pursuant to Section 24-199(d)(2) of the Subdivision Regulations, this case and variation request were heard before the Subdivision Review Committee (SRC) on November 13, 2009.

4. **Environmental**—Preliminary Plan 4-09036 and Type I Tree Conservation Plan TCPI/027/08 were previously reviewed as Preliminary Plans 4-08029 and 4-09006, both withdrawn, and TCPI/027/08. This 22.60-acre property in the R-A Zone is located on the east side of US 301, approximately 1,000 feet north of its intersection with Queen Anne Bridge Road. The site is entirely wooded. According to the *Prince George's County Soil Survey,* the principal soils on this site are in the Collington, Mixed Alluvial Land, Monmouth, Sandy Land, and Westphalia soil series. A significant area of Marlboro clay occurs on the site. Streams, wetlands, 100-year floodplain, and primary management areas associated with Mill Branch Creek occur on the property. Mill Branch Creek is designated as a secondary corridor in the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74 B.* The site is separated from US 301, a source of transportation-generated noise, by more than 500 feet of vegetation, so noise impacts are not anticipated to be a concern. The proposal is not expected to be a noise generator. The site is in the Rural Tier according to the *Prince George's County Approved General Plan.* There are regulated areas, evaluation areas and network gaps identified on this property in the *Approved Countywide Green Infrastructure Plan.*

The current master plan for this area is the 2006 Bowie and vicinity approved master plan and sectional map amendment. The sectional map amendment retained the subject property in the R-A Zone. In the approved master plan and sectional map amendment, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

Policy 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 development review process.**

The natural resources inventory (NRI) and TCPI plans have been submitted at the same scale, which provides for an easier review of the proposal. The TCPI proposes the use of a small amount of on-site afforestation/reforestation and off-site woodland conservation.

The preservation of on-site woodlands shall be maximized and the provision of off-site woodland conservation shall be minimized to the extent possible because the site is within the designated network of the Green Infrastructure Plan and the site contains high-quality woodlands. Maximizing the provision of woodland conservation requirements on-site in preservation is discussed further below.

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 (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**

Mill Branch is designated in the approved master plan as a secondary corridor, meaning that development within this watershed shall seek to protect, enhance, or restore the resource. The TCPI shows a tributary of Mill Branch and an associated floodplain along the western boundary of the site. The protection of the woodlands associated with a designated stream corridor is a vital element to the protection of water quality. The revised proposal submitted under this application shows a significant reduction in development impacts to regulated areas.

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 woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

The Western Branch Watershed Restoration Action Strategy (WRAS) has identified no sites in need of restoration on or adjacent to the subject property.

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

Low-impact-development techniques will be reviewed later in the development review process. A condition requiring that the stormwater management technical plan and the landscape plan show the use of low-impact-development stormwater management techniques is recommended.

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.**

Mill Branch and tributaries adjacent to the western boundary of this property were evaluated during the Western Branch Watershed Restoration Action Strategy project. No additional investigation is needed at this time.

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

The landscape plan for this site shall be reviewed by the Environmental Planning Section for the application of conservation landscaping techniques at the time of permit review. The landscape plan submitted at the time of permit shall demonstrate the use of conservation landscaping techniques that reduce water consumption and minimize run-off resulting from the use of fertilizers or chemical application to the greatest extent possible. The U.S. Fish and Wildlife Service publication "Native Plants for Wildlife Habitat and Conservation Landscaping—Chesapeake Bay Watershed" shall be used as a guide in developing landscaping for the entire site.

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

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

The proposed development is not redevelopment, and will adhere to current design criteria for green space, woodland conservation, stormwater management, and resource protection.

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.**

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 TCPI proposes the retention of existing woodlands within the 100-year floodplain and within the Patuxent River primary management area (PMA).

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 shall be evaluated as part of any future development application.

Policy 5: Reduce light pollution and intrusion into residential, 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 for all proposed uses.**

3. **Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The site proposes an institutional (church) use. Lighting in the new development shall use full cut-off optics to ensure that light pollution is minimized. The use of lighting technologies that limit total light output and reduce sky glow and off-site glare should be demonstrated.

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

Strategies:

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

2. **Provide adequate setbacks for projects located adjacent to existing and proposed noise generators.**

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

For the proposed uses, noise impacts have not been identified due to the substantial setback from US 301, which is classified as a freeway.

CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan, based on the policies of the Environmental Infrastructure Chapter of the General Plan.

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.

The subject property contains regulated areas, evaluation areas, and network gaps areas as identified in the Countywide Green Infrastructure Plan. Preservation and enhancement of these resources will be discussed in detail later in this resolution.

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

Preservation of water quality in this area will be provided through the protection of the Patuxent River primary management area and the application of best stormwater management practices for stormwater management. It is recommended that low-impact-development stormwater management methods be applied on this site, to the fullest extent possible.

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

As noted above, the preservation of on-site woodlands is the highest priority for meeting the Woodland Conservation Ordinance requirements.

ENVIRONMENTAL REVIEW

The preliminary plan application has a signed Natural Resources Inventory (NRI/028/08) dated June 25, 2008. A copy of the NRI was included with the application package at a greatly reduced scale. There is a primary management area (PMA) comprised of a stream, stream buffers, wetlands, wetland buffers, and 100-year floodplain and associated slopes on the subject property.

The NRI information is correctly shown on the TCPI and preliminary plan, and at a scale which is appropriate to the level of detail necessary to review site elements.

The forest stand delineation (FSD) indicates four forest stands of high-priority woodlands totaling 22.19 acres and 24 specimen trees. Preservation of the woodlands and specimen trees on-site is a priority in the review of this application.

The subject application consists of the 22.60-acre property that contains 18.15 acres of upland woodlands and 4.04 acres of woodland floodplain. The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

A Type I Tree Conservation Plan, TCPI/027/08, was submitted with the application. The revised plan proposes clearing 7.39 acres of upland woodlands. The woodland conservation threshold for this property is 9.28 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed is 11.13 acres. The plan proposes 6.05 acres of on-site preservation, 1.37 acres of on-site afforestation/reforestation, and 3.71 acres of off-site woodland conservation in fulfillment of the woodland conservation requirements for the site.

The method with the highest priority for meeting the woodland conservation requirements is the preservation of high-quality woodlands. The location with the highest priority for preservation is within the designated network of the Green Infrastructure Plan. As noted above, this site has the opportunity to meet a substantial portion of its requirement through the preservation of existing

woodlands and afforestation/reforestation within the regulated and evaluation elements of the green infrastructure network.

The TCPI does not include conceptual grading or the location of the septic field. As such, the proposed limit of disturbance cannot be evaluated. The septic field does not need to be counted as cleared, but cannot be credited as a woodland conservation area to meet requirements. The sewer line connection between the proposed structure and the septic fields cannot be shown as woodland conservation because it must be kept cleared for future maintenance of the system; a minimum ten-foot-wide work zone must be provided.

Retaining walls are proposed at the southern end of the parking lot, and to the east of the church building. A minimum of a ten-foot-wide "clear" zone shall be maintained at the top and bottom of the walls in order to allow access for construction and maintenance.

The legend for the TCPI indicates a "woodland preservation area" which is largely located in the 100-year floodplain. The area of the 100-year floodplain must be accurately depicted on the plan and labeled in the legend. Areas within the 100-year floodplain cannot be counted as woodland preservation. If an area is unforested in the floodplain, it can be considered for afforestation. Because this floodplain is fully wooded, it cannot be counted toward meeting the requirement.

The legend for the TCPI indicates a "woodland conservation area" which should be relabeled in the legend as "woodland preservation area." The legend for the TCPI indicates an "afforestation area" which should be relabeled in the legend as "afforestation/reforestation area." The legend for the TCPI indicates a "woodland replacement area" which should be included in the legend as "afforestation/reforestation area," and the graphic shall be corrected on the plan.

All preservation and afforestation/reforestation areas shown on the plan shall be labeled with the methodology for woodland conservation (preservation, afforestation/reforestation), and the acreage to one-one hundredth of an acre for each area proposed.

There is a graphic line shown on the plan as a series of lines and boxes which is not identified in the legend. The woodland conservation worksheet must be corrected to incorporate the revisions noted above. The TCPI does not include the required specimen tree table which includes proposed disposition for each identified specimen tree. The notes on the plan do not include all of the applicable standard TCPI notes.

"Woodland conservation" is shown within the area proposed to be dedicated for public right-of-way. The plan does not need to include the area within the right-of-way as clearing, but woodlands within the right-of-way cannot be counted as woodland conservation.

The plan indicates separate tree save limits for specimen trees to be saved within the existing forested area, which is unnecessary. The "tree save limits" for the specimen trees will be appropriately addressed on the TCPII. These technical corrections are identified in the aforementioned conditions and shall be corrected prior to signature approval.

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and their associated buffers, including adjacent slopes in excess of 25 percent, and identified forest interior dwelling species (FIDS) habitat comprise the Patuxent River primary management area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Regulations. Impacts to the PMA are discussed in Finding 3 below.

The site contains significant natural features, which are required to be protected under Section 24-129 and/or Section 24-130 of the Subdivision Regulations. At the time of final plat, a conservation easement shall be identified on the plat with appropriate accompanying notes.

The site contains streams or wetland areas which may be regulated by federal and state requirements. These are within the PMA. Requirements for permitting and review by other agencies for disturbance to streams and wetlands are addressed with PMA impacts.

According to the *Prince George's County Soil Survey,* the principal soils on the site are in the Collington, Mixed Alluvial, Monmouth, Sandy Land, and Westphalia soils series. Collington Soils pose few difficulties to development. Mixed Alluvial soils may limit development due to high water tables, flooding hazards, and poor drainage. Monmouth, Sandy Land, and Westphalia soils pose few development difficulties.

This property is located in an area with extensive amounts of Marlboro clay. This issue is discussed in Finding 4 below.

A Stormwater Management Concept Plan and Letter, 29733-2007-01, were received with the application.

Water and Sewer Categories
The 2008 Water and Sewer Plan placed this property in water and sewer Category 6, Individual System, and will therefore be served by private systems.

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

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

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

The Planning Board finds that the property is irregularly shaped, comprising of two parcels (to wit: Parcels A and 148) in the R-A Zone, with one narrow segment fronting on the northbound lanes of US 301. The segment or stem that fronts on US 301 is only approximately 107 feet in width, which limits the location of the access to US 301 or any other public right-of-way.

The subject property is uniquely shaped with the bulk of the property sitting back behind the stem leading to US 301. The stem is contiguous with two other parcels to the north and south, which are not part of this application. These parcels limit the applicant's ability to relocate the proposed access to US 301. A tributary, wetlands, streams, and other environmental features exist on the subject property, which limit the developable envelope. Given the uniqueness of the subject property (including, but not limited to the environmental constraints and the access limitations), the applicant is very limited to the design layout of the proposed church development.

The applicant has attempted to limit the impacts to the PMA and other environmental features as much as possible. Unfortunately, because the applicant only has one alternative to access a public right-of-way (ROW), the driveway has been designed to utilize the path of an existing gravel driveway and culvert, which crosses the PMA and wetlands at a single point, thereby, minimizing damage to those unique features. In point, the driveway only impacts the PMA approximately 250 linear feet, which results in approximately 7,000 square feet of impacts to the PMA. The applicant intends to coordinate and work with the U.S. Army Corps of Engineers and the Maryland Department of the Environment to ensure that these impacts are minimized.

Given that this impact cannot be avoided since there is only one access point to the subject property, which crosses the PMA, and the applicant has designed said access point to utilize an existing crossing and culvert, we believe that the PMA is being preserved to the fullest extent possible.

Staff generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing, or grading when alternative designs would reduce or eliminate the impacts.

The plan shows impacts to the PMA necessary to improve the access to the site along the existing driveway from US 301, which will result in 7,000 square feet of impacts to the PMA. These impacts must be coordinated with the U.S. Army Corps of Engineers and the Maryland Department of the Environment.

The Planning Board finds that the PMA has been preserved to the fullest extent possible. The impact cannot be avoided since there is only one access point to the property which crosses the PMA. Further, the impacts have been minimized to utilize an existing crossing and culvert. Due to the fact that impacts are limited on this property, no stream or wetlands mitigation is required.

6. **Marlboro Clay**—This property is located in an area with extensive amounts of Marlboro clay, which is known as an unstable, problematic, geologic formation when associated with steep and severe slopes. The presence of this formation raises concerns about slope stability and the potential for the placement of structures on unsafe land. Based on available information, the Environmental Planning Section estimates that the top elevation of the Marlboro clay varies from approximately 135 feet to 150 feet. A geotechnical report is required for the subject property, in conformance with the guidelines established by the Department of Environmental Resources and enforced through the review process by the Department of Public Works and Transportation.

   A subsurface investigation and geotechnical report prepared by Bota Consulting Engineers, dated September 28, 2007 and revised September 10, 2008, was submitted with this application and was found to sufficiently address the criteria for a Marlboro clay study as determined by the Department of Public Works and Transportation.

   The location of the 1.5 safety factor line does not affect the configuration of the parcel, which is the subject of this preliminary plan application. The presence of Marlboro clay may affect the design of site elements. Therefore, the preliminary plan and TCPI shall be revised to indicate the unmitigated 1.5 safety factor line. No structures or septic fields should be placed within the 1.5 safety factor line unless proper mitigation has been provided. The 1.5 safety factor line shall be reviewed by appropriate agencies to ensure that the line is correctly shown, and appropriate notes shall be included on the final plat of subdivision.

   Finally, to ensure continued compliance with the requirements of Section 24-131 of the Subdivision Regulations and Section 4-279 of the Building Code throughout the permitting process, the applicant shall submit a geotechnical study to the Department of Public Works and Transportation. This submission shall follow, at a minimum, the "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments" prepared by the Prince George's County Unstable Soils Taskforce.

7. **Community Planning**—The application is located in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier. Significant woodland, including priority woodland, is preserved onsite, the development is set back from the highway, and there is minimal impact to the primary management area.

   The property is in Planning Area 74A and within the boundaries of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74 B* (SMA). The 2006 Bowie and Vicinity Sectional Map Amendment retained the property in the R-A Zone, where a church is a permitted use. The proposed development responds to the master plan's recommendation for reduced environmental impact and rural residential use as specifically addressed in Finding 2 above.

8. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a) of the Prince Georges County Subdivision Regulations, the proposed lot on the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.

9. **Trails**—The plan was reviewed for conformance with the *Countywide Trails Plan* and the appropriate area master plan in order to implement planned trails. The Approved Master Plan of Transportation did not designate a bikeway along Crain Highway (US 301) because the road is a master-planned freeway. No bikeway facility recommendations are made regarding this proposal.

   The proposal includes a church with associated drive aisles, parking, and landscaping. The plan does not indicate the location of sidewalks or vehicle parking spaces. Safe and adequate facilities shall be developed on-site for pedestrians to access the building.

10. **Variation**—The applicant requests a variation from Section 24-121(a)(3) of the Subdivision Regulations for the purpose of creating a driveway to access US 301.

    Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

    The Planning Board approves the applicant's request for a variance and found that the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

    Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

    (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

        (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The Planning Board finds access to the site is provided via a driveway across a ±107-foot-wide, ±300-foot long stem between Crain Highway (US 301) and the bulk of the property. The access to Crain Highway (US 301) is proposed at the only point where the property meets a public right-of-way. The proposed entrance improvements will be reviewed by the State Highway Administration (SHA), and although the plans are subject to further review by SHA, to date, no negative comments have been provided with regard to the proposed access to and from Crain Highway (US 301). Moreover, the construction of the driveway will be in accordance with all requisite agency approval, as to design standards. The access is proposed to be a right-in, right-out only with a deceleration lane to the south. Finally, the access is positioned almost one-quarter mile north of Queen Anne Bridge Road, and several hundred feet from the next driveway on the east side of US 301.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The Planning Board finds as indicated above, the subject property is uniquely shaped with only one point of access to a public road. The bulk of the property sits behind the stem leading to US 301. The stem is contiguous with two other parcels to the north and south, which are not part of this application. These parcels limit the applicant's ability to relocate the proposed access to US 301. Wetlands and PMA buffers further constrain the possible position or location of the proposed access to US 301.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The Planning Board finds the proposed access and driveway utilizes the path of an existing gravel driveway and culvert to cross PMA and wetlands at a single point, thereby, minimizing damage to those features. The proposed access and driveway will be designed in direct coordination with Department of Public Works and Transportation (DPW&T) and SHA in order to meet all requisite requirements and design standards.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The Planning Board finds the proposed access to US 301 provides the sole access to this property. There are no nearby opportunities for sharing access or contact to US 301 or accessing other public streets. Consequently, denial of this variation request would result in particular hardship, as the property would be land locked, which would prevent any development from occurring.

Therefore, the Planning Board finds that the applicant meets these criteria and approves the variation for access to US 301.

Given the current site configuration and the proximity of the two undeveloped parcels to the north and south of the subject property's connection to US 301 (Parcels 149 and 147, respectively), it is suggested that the applicant work with the adjoining property owners in designing the church's driveway entrance in such a way to accommodate, if permissible, the future development of those parcels with the potential of utilizing the driveway as shared access for all three properties.

11. **Transportation**—The applicant presented staff with a traffic study dated October 12, 2009. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS				
Intersection	**Weekday AM peak**	**Weekday PM peak**	**Sunday 7-8 AM**	**Sunday 12-1 PM**
	LOS/CLV/Delay (seconds)			
US 301 SB @ Mitchellville Rd (signalized)	C/1209	D/1389	A/344	B/1050
US 301 NB @ Queen Anne Bridge Rd (signalized)	B/1135	C/1256	A/293	D/1327
US 301 SB @ Mt. Oak Road**	C/20.6 secs.	C/24.3 secs.	B/10.2 secs.	C/19.9 secs.
US 301 SB @ Median Break**	F/61.2 secs.	F/145.4 secs.	B/11.2 secs.	D/31.6 secs.
US 301 NB @ Median Break**	C/23.7 secs.	D/25.1 secs.	B/10.6 secs.	D/33.2 secs.
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1,300 or less is deemed acceptable as per the *Guidelines*.				

The traffic study, in collaboration with staff, identified nine background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of three percent was applied to the existing traffic counts at the subject intersections. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS				
Intersection	**Weekday AM peak**	**Weekday PM peak**	**Sunday 7-8 AM**	**Sunday 12-1 PM**
	LOS/CLV/Delay (seconds)			
US 301 SB @ Mitchellville Rd (signalized)	D/1388	F/1691	A/718	E/1495
US 301 NB @ Queen Anne Bridge Rd (signalized)	D/1373	F/1649	A/534	F/1651
US 301 SB @ Mt. Oak Road**	D/28.7 secs.	E/37.8 secs.	B/12.4 secs.	D/29.7 secs.
US 301 SB @ Median Break**	F/108 secs.	F/466 secs.	B/14.2 secs.	D/56.0 secs.
US 301 NB @ Median Break**	E/36.0 secs.	E/44.7 secs.	B/13.2 secs.	F/61.6 secs.

** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical land volume (CLV) of 1,300 or less is deemed acceptable as per the *Guidelines*.

Using trip generation rates that were obtained from the Institute of Transportation (ITE) Trip Generation Manual, the study has indicated that the proposed 650-seat church, would be adding 19 (12 in; 7 out) AM peak-hour trips, 19 (9 in; 10 out) PM peak-hour trips. Based on information pertaining to church services provided by the applicant, the traffic study estimated that the church will generate 325 inbound trips between 7:00–8:00 a.m. on Sundays, and 325 outbound trips between 12:00–1:00 p.m. on Sundays. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS				
Intersection	**Weekday AM peak**	**Weekday PM peak**	**Sunday 7-8 AM**	**Sunday 12-1 PM**
	LOS/CLV/Delay (seconds)			
US 301 SB @ Mitchellville Rd (signal) *with free right + WB LT T*	D/1389 *C/1276*	F/1692 *E/1574*	A/718 *A/597*	E/1495 *D/1426*
US 301 NB @ Queen Anne Bridge Rd *with EB 2nd Left + Split Phasing*	D/1383 *D/1342*	F/1658 *E/1570*	A/820 *A/713*	F/1667 *F/1607*
US 301 SB @ Mt. Oak Road **	D/29.0 secs.	E/38.1 secs.	B/13.6 secs.	D/29.7 secs.
US 301 SB @ Median Break **	F/108 secs.	F/466 secs.	C/15.5 secs.	F/600.5 secs.
US 301 NB @ Median Break **	E/36.8 secs.	E/45.6 secs.	B/13.2 secs.	F/288.0 secs.
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service (LOS) and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a critical lane volume (CLV) of 1300 or less is deemed acceptable as per the *Guidelines*.				

The preceding results revealed that all of the study intersections would operate inadequately with the exception of US 301 southbound at Mount Oak Road.

Regarding the intersections of US 301 southbound at Mitchellville Road and US 301 northbound at Queen Anne Bridge Road, the analyses showed those intersections operating inadequately, during the PM peak hour as well as during the Sunday peak. To ameliorate the inadequacy, the study (and staff) evaluated the addition of a through lane on southbound and northbound US 301 through the intersection. The result indicated that the addition of a third through lane on US 301 will enhance the projected LOS to C or better during the weekday peak hours as well as during the Sunday peak hour.

Given the cost associated with the construction of additional through lanes along US 301 (northbound and southbound), the traffic study proposed the following improvements under the provisions of Mitigation pursuant to Section 24-124(a)(6) of the *county code*:

Southbound US 301 at Mitchellville Road

- Construct a free-flow right-turn lane at the eastbound approach
- Provide a shared through/left lane and an exclusive through lane on the westbound approach.
- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Northbound US 301 at Queen Anne Bridge Road

- Provide a shared through/left lane and an exclusive left lane on the eastbound approach
- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Based on the afore-mentioned improvements, the following results were obtained:

FINAL CONDITIONS (with mitigation improvements)				
Intersection	**AM**	**PM**		
	(LOS/CLV)	(LOS/CLV)	Required Mitigation	Actual Mitigated
US 301 SB @ Mitchellville Road (signal) ***With EB Free Right + WB L & LT***	---	E/1574	150%	11,800%
US 301 SB @ Mitchellville Road (signal) ***With EB Free Right + WB L & LT***	D/1426 (Sunday Peak)		150%	228%
US 301 NB @ Queen Anne Bridge Rd ***with EB 2nd Left + Split Phasing***	D/1343	---	150%	400%
US 301 NB @ Queen Anne Bridge Rd ***with EB 2nd Left + Split Phasing***	---	E/1570	150%	978%
US 301 NB @ Queen Anne Bridge Rd ***with EB 2nd Left + Split Phasing***	F/1607 (Sunday Peak)		150%	375%

The results of the improvements pursuant to the mitigation guidelines indicated that, greater than 150 percent of the traffic being added to the US 301 southbound at Mitchellville Road and US 301 northbound at Queen Anne Bridge intersections will be mitigated.

Regarding the US 301 southbound at Median Break intersection, the traffic study acknowledged that this intersection exceeds the allowable 50-second delay threshold under existing, background and total traffic. However, no improvement was offered by the applicant. The study concluded that no improvement to this unsignalized intersection is likely to improve its operation. It further

concludes that with the implementation of these improvements proffered under mitigation, the area network will be able to accommodate the proposed development.

In response to staff's request, the traffic study was reviewed by three other agencies, the Maryland State Highway Administration (SHA), the Department of Public Works and Transportation (DPW&T) and the City of Bowie. Since all of the studied intersections are under the control of SHA, the staff of DPW&T acknowledged in a letter dated August 24, 2009, that the final decisions on how to improve those facilities rest with the SHA.

Comments from the City of Bowie are addressed in Finding 17 below. Staff received a letter from the SHA dated November 20, 2009. In that letter, SHA stated its full concurrence with the proffered improvements cited for mitigation. One of the requirements in the Guidelines for Mitigation Actions (Prince George's County Council in CR-29-1994) regarding the use of mitigation is that the permitting agency must concur with any improvement that is being proffered. Given SHA's concurrence on the mitigation improvements, staff therefore concludes that the applicant improvements are deemed to be acceptable.

Regarding the unsignalized intersections created at the median breaks at northbound and southbound US 301, SHA suggests that the applicant explore the feasibility of a secondary connection to the church with Queen Anne Bridge Road. SHA feels that such a connection would minimize the impact to the intersections by redistributing the site trips. While such an alternative would be preferable given the site's proximity to Queen Anne Bridge Road, acquisition of properties to allow for such an access would be very impractical.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for the construction of a 650-seat church, totaling 34,000 square feet of gross floor area. The proposed development would generate 19 (12 in; 7 out) AM peak-hour trips, 19 (9 in; 10 out) PM peak-hour trips. Based on information pertaining to church services provided by the applicant, the traffic study estimated that the church will generate 325 inbound trips between 7:00–8:00 a.m. on Sundays, and 325 outbound trips between 12:00–1:00 p.m. on Sundays.

The traffic generated by the proposed preliminary plan would impact the following intersections:

- US 301 SB @ Mt. Oak Road (unsignalized
- US 301 SB @ Median Break (unsignalized)
- US 301 NB @ Median Break (unsignalized)
- US 301 SB @ Mitchellville Road (signalized)
- US 301 NB @ Queen Anne Bridge Road (signalized)

None of these intersections are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

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

- **Links and signalized intersections:** Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 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 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.

Of those intersections identified above, the following intersections were not found to be operating at or better than the policy service level when analyzed with the total future traffic as developed using the *Guidelines*:

- US 301 SB @ Median Break (unsignalized)
- US 301 NB @ Median Break (unsignalized)
- US 301 SB @ Mitchellville Road (signalized)
- US 301 NB @ Queen Anne Bridge Road (signalized)

With the provision of an additional through lane along northbound and southbound US 301, the intersections of US 301 southbound at Mitchellville Road (signalized) and US 301 northbound at Queen Anne Bridge Road (signalized) will operate at or better than the policy service level defined for properties in the Rural Tier. However, there is a significant cost associated with the provision of additional through lanes along a major transportation facility like US 301.

The portion of US 301 between US 50 and Branch Avenue (MD 5) is one of five transportation corridors that is eligible for the use of mitigation as established by the "Guidelines for Mitigation Actions" (Prince George's County Council in CR-29-1994). Given the cost associated with improvements identified in Finding 6, and the fact that US 301 is eligible for the use of mitigation, the applicant has submitted a transportation facilities mitigation plan (TFMP) pursuant to the "Guidelines for Mitigation Actions."

The applicant has agreed to provide the following improvements (as a TFMP) to the intersection, in consideration of Finding 6 above:

Southbound US 301 at Mitchellville Road

- Construct a free-flow right-turn lane at the eastbound approach

- Provide a shared through/left lane and an exclusive through lane on the westbound approach.

- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

Northbound US 301 at Queen Anne Bridge Road

- Provide a shared through/left lane and an exclusive left lane on the eastbound approach

- Modify eastbound/westbound Queen Anne Bridge Road and Mitchellville Road signal approaches as deemed necessary by SHA.

When analyzed with total future traffic and the applicant's TFMP, the projected traffic level-of-service (LOS) at the intersection of US 301 at Mitchellville Road and Queen Anne Bridge Road intersection were found to be better than 125 percent of LOS C. Additionally, the improvements have mitigated the site impact by better than 150 percent.

No additional improvements were offered by the applicant that would provide a delay less than 50 seconds at the impacted unsignalized intersections. It is typical however, to require a signal warrant study for unsignalized intersections, where the existing or projected delay exceeds 50 seconds. The applicant will be required to conduct signal warrant studies.

The property fronts on the east side of US 301. This dualized roadway currently functions as an expressway, with partial control of access. If this property were to be developed in the near term, its access would be limited to a right-in, right-out facility. The 2006 approved Bowie and Vicinity Master Plan and Sectional Map Amendment, recommends an upgrade of US 301 to a freeway (F-10). In order for US 301 to function as a freeway, a parallel service road (A-61) is also being recommended. The 1999 *US 301 Access Control Study from MD 5 at TB to US 50*, recommends that the service road be located on the west side of the proposed F-10 freeway. When that construction occurs, this property will no longer have direct access to F-10 or to the proposed access road.

Therefore, adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

12. **Schools**—There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools.

13. **Fire and Rescue**—The Planning Board has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within / Beyond
43	Bowie	Engine	16408 Pointer Ridge Dr.	1.1	3.25	Within
39	Bowie	Ladder Truck	15454 Annapolis Rd.	5.5	4.25	Beyond
43	Bowie	Paramedic	16408 Pointer Ridge Dr.	1.1	7.25	Within
43	Bowie	Ambulance	16408 Pointer Ridge Dr.	1.1	4.25	Within

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

In accordance with Section 24-122.01(d)(2) of the Subdivision Regulations, the subdivision applicant of property outside of the appropriate service area of the 2008 Water and Sewer Plan, or in the Rural Tier, shall provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes. The applicant should show how water for fire extinguishing purposes will be stored on, or conveyed to, the site.

14. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie. The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2008 (U.S. Census Bureau) county population estimate is 820,520. Using the 141 square feet per 1,000 residents, it calculates to 115,693 square feet of space for police. The current amount of space, 267,660 square feet, exceeds the guideline.

15. **Health Department**—The Environmental Engineering Program has reviewed a revised site plan for the preliminary plan of subdivision for Temple of Praise International Church:

The development of the site is projected to utilize an individual sewage disposal system and an individual water supply system. Health Department records indicate the site has had satisfactory percolation tests conducted previously in 1978 and 1990. A copy of those test reports was given to the applicant on August 22, 2008. Recent percolation tests were conducted by the Enviro Engineering Program on December 15, 2009. The tests were satisfactory and adequate area is afforded for the required initial and replacement sewage disposal systems.

Prior to approval of a final plat, the applicant must obtain a water appropriation permit through the Health Department from the Water Rights Division of the Maryland Department of the

Environment. Also prior to approval of a final plat, the applicant shall remove all white goods, tires and abandoned vehicles from the property and revise the site plan in accordance with the conditions recommended below.

16. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 29733-2007-01 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

17. **Cemeteries**—No cemeteries were identified on the property.

18. **Historic and Archeology**—Phase I archeological survey was completed on the above-referenced 22.60-acre property located on the east side of US 301, approximately 1,435 feet north of Queen Anne Bridge Road. No archeological sites were identified on the subject property. The final Phase I report was submitted and accepted by Historic Preservation staff on June 22, 2009. The Board concurs with the recommendation of the Phase I archeological report that no further work is necessary on the Temple of Praise International Church Property.

19. **The City of Bowie**—This site is in close proximity to the City of Bowie. Under the application number of a prior preliminary plan of subdivision, the City Council voted unanimously to support the proposal to create a developable lot for the purpose of construction of a church. The traffic study associated with the current application was submitted after the City Council's action. The City may have further comment following review of the applicant's traffic study by the Maryland State Highway Administration (SHA).

20. **Use Conversion**—The subject property is zoned R-A. While the subject application is not proposing any residential development, the R-A Zone does permit residential uses. 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.

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, January 14, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of February 2010.

Patricia Colihan Barney
Acting Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:RD:gdr

APPROVED AS TO LEGAL SUFFICIENCY.
Janelle J. Jordan
M-NCPPC Legal Department
Date 1/21/10