

R E S O L U T I O N

WHEREAS, the Spirit of God Deliverance Church is the owner of a 5.27-acre parcel of land known as Parcel 211, Parcel 67, Parcel A and Outparcel 91, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R), Commercial Shopping Center (C-S-C) and Residential Medium Development (R-M); and

WHEREAS, on October 15, 2020, Annette Dreher filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-17022 for Spirit of God Deliverance 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 March 11, 2021, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on March 11, 2021, 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 Type 1 Tree Conservation Plan TCP1-019-2020, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-17022 for 2 parcels and 1 outparcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Rename Outparcel 91 as proposed Outparcel 1.
 - b. Show the primary management area boundary on proposed Parcel 2.
 - c. Indicate in General Note 2 that there are two existing parcels named Parcel 211.
 - d. Correct General Note 4 to indicate the purpose of the subdivision is two parcels and one outparcel for institutional development.
 - e. Revise General Notes 7 and 8 to account for the primary management area on site.

- f. In the Lot Requirements table, remove the lines related to lot coverage, setbacks, and height, as these items are not approved at the time of preliminary plan of subdivision.
 - g. In General Note 16, correct the minimum lot width in the Rural Residential Zone to 100 feet at the front building line and 70 feet at the front street line.
2. At the time of final plat, the applicant shall dedicate public utility easements as shown on the approved preliminary plan of subdivision.
3. Prior to signature approval of the preliminary plan of subdivision, the applicant shall obtain approval to have the portion of the subject property within Water and Sewer Category 5 recategorized to Water and Sewer Category 4 or lower.
4. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 of the Prince George's County Subdivision Regulations adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
5. Total development within the subject property shall be limited to uses which generate no more than 10 AM peak-hour trips and 10 PM peak-hour vehicle trips and 181 Sunday peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
6. At the time of final plat, the applicant shall dedicate right-of-way along Westphalia Road as shown on the approved preliminary plan of subdivision.
7. Prior to issuance of any building permit, the applicant and/or the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a fee of \$11,869.46 (in 2010 dollars), pursuant to the memorandum of understanding (MOU) required by Prince George's County Council Resolution CR-66-2010. The MOU shall be recorded in the Land Records of Prince George's County, Maryland. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of the permit.
8. Prior to the approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer, its heirs, successors and/or assignees shall execute a memorandum of understanding (MOU) with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assignees pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Prince George's County land records and the liber/folio noted on final plat of subdivision.

9. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (2314-2017-0) and any subsequent revisions.
10. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2007 *Approved Westphalia Sector Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities, and shall provide an exhibit that depicts the following facilities prior to acceptance of any detailed site plan:
 - a. Bikeway signage and shared lane markings (e.g., "sharrow") along the subject site's frontage of Rock Spring Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - b. A minimum 10-foot-wide shared-use path along the subject site frontage of Westphalia Road, consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - c. A minimum 10-foot-wide shared-use path along the subject site frontage of Rock Spring Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - d. Continental style crosswalks and associated perpendicular Americans with Disabilities Act curb ramps crossing all entrances proposed along Westphalia Road, the intersection of Rock Spring Drive and Westphalia Road, and all entrances proposed along Rock Spring Drive, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - e. A minimum of two inverted U-style, or similar style, bicycle parking racks near the building entrance.
11. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised to meet all the requirements of Subtitle 25. Required revisions include, but are not limited to:
 - a. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed)."
 - b. Reconcile the gross site acreage listed on the Type 1 tree conservation plan (5.28 acres) with that listed on the preliminary plan of subdivision (5.27 acres).

12. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-019-2020). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-019-2020 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). 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 (M-NCPPC), Prince George's County Planning Department."

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

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

15. A detailed site plan (DSP) shall be approved for the proposed church use prior to approval of a final plat. The DSP shall ensure that development on the property has high quality architectural design, landscaping, and construction materials and effective on-site buffering for existing or future residential, or institutional land uses in the area.

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

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

2. **Background**—The subject site is located at 9201 and 9207 Westphalia Road, at the intersection of Westphalia Road and Rock Spring Drive, on both sides of Rock Spring Drive. The site consists of four existing parcels and one outparcel. These include two parcels both known as Parcel 211, which are separated by Rock Spring Drive (recorded in Liber 21814 Folio 1); Parcel 67 (Liber 21814 Folio 1); Parcel A (recorded in Plat Book NLP 94 page 65); and Outparcel 91 (Plat Book ME 215 page 65). Parcel 67 and the two parcels known as Parcel 211 are in the Commercial Shopping Center (C-S-C) Zone, while Parcel A is in the Rural Residential (R-R) Zone and Outparcel 91 is in the Residential Medium Development (R-M) Zone. The total site area is 5.27 acres. The site is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Sector Plan and SMA).

The property has been vacant since at least 2017. Melwood Road, which previously passed through the property, was vacated and stubbed to a cul-de-sac in 2019 via the plat recorded in Plat Book ME 251 page 65. That same plat dedicated Rock Spring Drive through the subject property. The subject PPS will consolidate Parcel A, Parcel 67, and the western Parcel 211 into one new parcel to be known as Parcel 1. Outparcel 91 will not be consolidated and will remain in its current configuration, though it must be renamed and shall be designated as Outparcel 1. The eastern Parcel 211 will become Parcel 2. Parcel 1 and Outparcel 1 will be on the west side of Rock Spring Drive, while Parcel 2 will be on the east side. The applicant further proposes to construct an 18,112-square-foot church with 500 seats on Parcel 1. No conceptual development has been proposed for Parcel 2 at this time.

A portion of the property is within Water and Sewer Category 5, and per Section 24-122.01(b) of the Prince George's County Subdivision Regulations, is not eligible for development until it attains Water and Sewer Category 4 or lower. Approval of the preliminary plan of subdivision (PPS) shall therefore be made conditional on this portion of the property being recategorized prior to certification. This condition is discussed further in the Public Facilities finding of this resolution.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) in order to allow removal of four specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The site is located on Tax Map 82, Grids D-4 and E-4, and on Tax Map 90, Grids D-1 and E-1. The site is within Planning Area 78. Westphalia Road abuts the subject property to the north, while D'Arcy Road extends to the north from its intersection with Westphalia Road and Rock Spring Drive. Beyond Westphalia Road are residential uses and a church in the R-R Zone, as well as an industrial use in the Light Industrial Zone. Abutting the property to the east is a single-family dwelling on a large parcel in the R-R Zone. To the south of the property is the Parkside development (formerly known as Smith Home Farms), in the R-M Zone. Abutting the property to the west is the campus of the Prince George's Community College Westphalia Training Center, in the R-R and Commercial Office Zones. The subject property and its surroundings are also located in the Military Installation Overlay (M-I-O) Zone for height and noise.

4. **Development Data Summary**—The following information relates to the subject PPS and the proposed development.

	EXISTING	APPROVED
Zone	R-R/C-S-C/R-M/MIOZ	R-R/C-S-C/R-M/MIOZ
Use(s)	Vacant	Institutional (church)
Acreage	5.27	5.27
Parcels	4	2
Outparcels	1	1
Dwelling Units	0	0
Floor Area	0	18,112 square feet
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on October 30, 2020.

5. **Previous Approvals**—Parcel A is subject to a previous PPS, 4-76007. There are no longer any records available related to this PPS. The property was subsequently platted as Parcel A of the Pile Drivers Union 2311 Property, in Plat Book NLP 94 page 65, in May 1976. The plat contains no additional requirements for the property.

Outparcel 91 was originally created as part of the Smith Home Farms development, later known as Parkside. The Parkside development required a series of approvals due to its use of comprehensive design zones. These approvals include the 2006 Zoning Map Amendments A-9965 and A-9966, which placed the development in the R-M and Local Activity Center Zones; the 2006 PPS 4-05080 (reconsidered in 2012); the 2006 Comprehensive Design Plan CDP-0501 (reconsidered in 2016), as well as its two revisions in 2012 and 2020; and a series of specific design plans (SDPs). Outparcel 91 appears only on SDP-0506 and its three revisions (from 2006, 2007, 2012, and 2014 respectively), which were for road infrastructure only. The outparcel was ultimately platted in Plat Book ME 251 page 65 in March 2019.

Outparcel 91 has no development entitlement stemming from the Parkside series of approvals. So long as it remains in the R-M Zone, developing it would require an amendment to the CDP and a subsequent SDP. The future approvals which may be needed for this project are discussed in the Urban Design finding of this resolution.

Parcel 67 and the two parcels known as Parcel 211 are not subject to any previous development approvals, but they appear on the plat recorded in Plat Book ME 251 page 65. With this plat, Rock Spring Drive was dedicated through the original Parcel 211, separating it into two parcels with that designation. In addition, the right-of-way of Melwood Road, which previously separated

Parcel 67 and Parcel 211, was vacated and its land divided between Parcel 67 and the western Parcel 211.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Sector Plan and SMA are evaluated as follows:

Plan 2035

This PPS is in the Established Communities growth policy area. The vision for the Established Communities is that they are most appropriate for context-sensitive infill and low-to medium density development (page 20).

Sector Plan and SMA

The sector plan recommends Low Density Residential land uses on the subject property (page. 19). However, the sector plan also finds that the property “should be classified in a commercial zoning category to allow institutional and limited commercial land uses, provided that site plan review by the Prince George’s County Planning Board is obtained prior to issuance of a building permit for any new construction on the site” (page 95). Based on this finding, the PPS conforms to the sector plan because it proposes an institutional use. However, the finding requires that site plan review by the Planning Board shall be obtained prior to issuance of a building permit for any new construction on the subject site. The applicant shall submit a DSP for review by the Planning Board following approval of the PPS.

The sectional map amendment rezoned Parcel 67 and Parcel 211 from the Ancillary Commercial and Residential Agricultural (R-A) Zones to the C-S-C Zone (page 95). It also rezoned Parcel A from the R-A Zone to the R-R Zone (page 94). This rezoning occurred before Parcel 211 was divided by Rock Spring Drive.

Aviation/MIOZ

This PPS is located within the M-I-O Zone. Pursuant to Section 27-548.54(e)(2)(D), Maximum Height Requirement, of the Prince George’s County Zoning Ordinance, the PPS must comply with the requirements for height for properties located in Conical Surface (20:1) E - Right Runway. The PPS is also located in the Noise Intensity Zone, 60 db - 74 db.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the sector plan.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan (2314-2017) and approval letter from the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) were submitted with the subject PPS and received on October 15, 2020. According to the proposed plan, nine micro-bioretenion facilities and one micro-pool are proposed to provide stormwater retention and attenuation on-site before discharging into tributaries of the Western Branch.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.
9. **Trails**—This PPS was reviewed for conformance with the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the Westphalia Sector Plan to provide the appropriate pedestrian and bicycle transportation recommendations.

Subdivision Regulations Conformance

The submitted PPS does not include blocks over 750 feet long and therefore, does not need to provide mid-block crossing facilities pursuant to Section 24-121(a)(9) of the Subdivision Regulations.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential areas with no current pedestrian or bicycle connections. The site will be improved to include these facilities along the property frontages of Westphalia Road and Rock Spring Drive, which will facilitate future connections. The details of the proposed pedestrian and bicycle facilities shall be included in the subsequent DSP.

Review of Master Plan of Transportation Compliance

This development case is subject to the MPOT. Three master plan facilities impact the subject site, which include a portion of the Melwood Legacy Trail, a side path along Westphalia Road, and a shared use roadway along Rock Spring Drive.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The proposed development shall include a minimum 10-foot-wide side path along the property frontage of Westphalia Road, per the MPOT and consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*. While the Melwood Legacy Trail is planned along the vacated portion of Melwood Road, a minimum 10-foot-wide sidewalk shall be provided along the frontage of Rock Spring Drive to continue the proposed trail. In addition to the wide sidewalk, bikeway signage and shared road pavement markings shall be provided along the frontage of Rock Spring Drive to fulfill the intent of the master plan facilities. Furthermore, crosswalks and associated Americans with Disabilities Act curb ramps shall be provided crossing all entrances proposed along Westphalia Road, the intersection of Rock Spring Drive and Westphalia Road, and all entrances proposed along Rock Spring Drive. Lastly, designated space for bicycle parking is an important component for bicycle friendly roadways. A minimum of two inverted u-style bicycle racks, or a style similar that allows two points of secure contact, shall be provided at a location convenient to the building entrance. The above improvements fulfill the intent of the policies recommended above and comply with the master plan, pursuant to Section 24-121(a)(5).

Review of Sector Plan Compliance

This development is also subject to the Westphalia Sector Plan which includes the following recommendations for pedestrian and bicyclist facilities:

- 1. Sidewalks should be provided throughout the Westphalia community except designated scenic rural roads, highways, bikeways, trails, and lanes.**

The required pedestrian facilities along Westphalia Road and Rock Spring Drive are consistent with the strategies included in the sector plan.

- 10. Transportation**—Transportation-related findings for adequacy are made for this PPS, along with any needed determinations related to dedication, access, and general subdivision layout. The findings outlined below are based upon review of the materials and analyses submitted by the applicant, consistent with the “Transportation Review Guidelines, Part 1” (Guidelines).

Analysis of Traffic Impacts

The PPS is supported by a traffic impact study (TIS) dated January 2021 using counts dated February and March 2018, with regional growth factors applied. The study provided by the applicant was referred to the Prince George’s County Department of Public Works and Transportation and DPIE. DPIE’s comments are listed as follows:

1. Prior to the issuance of building permit, the applicant should be conditioned to install a deceleration lane into the site access.
2. The result of the traffic impact analysis showed high westbound left turning movements at the intersection of Westphalia Road and the site access. As such, in lieu of providing a left turn lane or a bypass lane for this movement; prior to the issuance of building permit the applicant shall be required to determine if shoulder improvements will be required in lieu of a westbound left turn lane or bypass lane.

The above improvements are not necessary to meet Subtitle 24 adequacy requirements, and therefore are not conditions of approval of this PPS. However, DPIE will still be able to require these improvements on their own authority, should they and the applicant determine they are needed.

The subject property is currently unimproved and is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections

Level-of-Service D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation, per Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

Unsignalized Intersections

The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

- a. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.
- b. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

This PPS is for a 500-seat church. Table 1 below summarizes the trip generation during each peak hour that will be used in reviewing traffic and developing a trip cap for the site:

Land Use	AM Peak Hour			PM Peak Hour			Sunday		
	In	Out	Total	In	Out	Total	In	Out	Total
Church (Guidelines) - 18,112 sq. ft.	6	4	10	5	5	10			
Church (ITE -560)							87	94	181
Total trip	6	4	10	5	5	10	87	94	181

The revised January 2021 TIS notes that the traffic counts were taken in 2018 and factored by 0.7 percent along MD 4 and 1.9 percent along Westphalia Road for a period of two years to estimate 2020 traffic counts. This has been deemed to comply with the existing requirements in consideration of the proposed use. The critical intersections were identified and analyzed under existing, background and total conditions:

EXISTING CONDITIONS			
Intersection	AM	PM	Sunday
	LOS/CLV	LOS/CLV	LOS/CLV
MD 4 at Westphalia Road	1486 (E)	1440 (D)	885 (A)
MD 4 at MD 337 (Suitland Parkway)	1866 (F)	1714 (F)	1061 (B)
Westphalia Road at Melwood Road*	10.8 seconds	14.2 seconds	10.2 seconds
Westphalia Road at D'Arcy Road*	16.6 seconds	23.5 seconds	11.7 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.			

In evaluating the effect of background traffic, 10 background developments in the area were included, several of which propose some significant roadway changes. The changes that impact this development include: the extension of the existing Rock Spring Drive to Westphalia Road creating a four-way intersection that will be signalized; and Melwood Road being terminated in a cul-de-sac prior to Westphalia Road, with its traffic diverted to the new Rock Spring Drive. The table below shows the results:

BACKGROUND CONDITIONS			
Intersection	AM	PM	Sunday
	LOS/CLV	LOS/CLV	LOS/CLV
MD 4 at Westphalia Road ¹	1936 (F)	2213 (F)	1713 (F)
MD 4 at MD 337 (Suitland Parkway)	2417 (F)	1849 (F)	1142 (B)
Westphalia Road at D'Arcy Road/Rock Spring Drive*	1335 (D)	1130 (B)	670 (A)
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p> <p>¹Includes improvements currently under construction by others (additional right turn lane on SB Westphalia Road).</p>			

The critical intersections were identified and analyzed under future conditions with the following results:

FUTURE CONDITIONS			
Intersection	AM	PM	Sunday
	LOS/CLV	LOS/CLV	LOS/CLV
MD 4 at Westphalia Road ¹	1936 (F)	2210 (F)	1778 (F)
MD 4 at MD 337 (Suitland Parkway) ²	1235 (C)	462 (A)	317 (A)
Westphalia Road at D'Arcy Road/Rock Spring Drive	1337 (D)	1131 (B)	684 (A)
NB Westphalia Road at Site Access*	39.9 seconds	49.7 seconds	57.7 seconds
WB Westphalia Road at Site Access*	8.3 seconds	11.2 seconds	9.7 seconds
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p> <p>¹Includes improvements currently under construction by others (additional right turn lane on SB Westphalia Road).</p> <p>²Includes SHA interchange improvement</p>			

Results from the total traffic analysis revealed the following:

- The MD 4 at Westphalia Road interchange will operate at “F” level of service during the AM, PM and Sunday peak periods. This intersection does not meet adequacy and has a previously approved Public Facilities Financing and Implementation Program (PFFIP) funding mechanism in place that will ultimately provide for an upgrade to a grade separated interchange, with interim improvements occurring until that point. It is recommended in the TIS that a condition be approved allowing the applicant to contribute funds to the PFFIP in lieu of off-site improvements at this intersection. This issue is discussed further, below.
- The intersection of Westphalia Road at Site Access was found to be not operating adequately during the Sunday peak period. A second test of adequacy for unsignalized intersections is to determine if the delay exceeds 50 seconds and the minor street approach volume exceeds 100. In this case, the volume is projected at 94 and therefore, has an acceptable standard of adequacy for operation.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)

Given the inadequate levels of service calculated for the intersection of MD 4 (Suitland Parkway) at Westphalia Road, the applicant shall provide a monetary contribution towards the construction of the planned interchange at the MD 4 (Suitland Parkway) at Westphalia Road intersection. If this contribution is made, the development will meet the requirements for transportation adequacy, pursuant to Subtitle 24 of the Prince George’s County Code.

On October 26, 2010, the County Council approved Prince George’s County Council Resolution CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7 and 8) a cost allocation table (Table) was prepared that allocates the estimated \$79,990,000 cost of the interchange to all the properties within the PFFIP district. CR-66-2010 also established \$79,990,000 as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average daily trips contributed by each development passing through the intersection, to the total average daily trips contributed by all the developments in the district passing through the same intersection. The ratio between the two sets of average daily trips becomes the basis on which each development’s share of the overall cost is computed.

Using data from the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), as well as the Guidelines, this development is projected to generate 17 average daily trips. Based on trip distribution used in the TIS, it has been determined that 70 percent of the site traffic is oriented to and from the west, along Westphalia Road. Consequently, in applying that distribution, it has been determined that the total average daily trips that will pass through the MD 4 (Suitland Parkway) at Westphalia Road intersection will be $17 \times 0.70 = 12$. Based on 12 daily trips, this site’s contribution for the PFFIP was computed as \$11,869.46 for the institutional use. The unit cost is further computed as \$66 per square foot.

Master Plan Roads and Site Access

The property is in an area where the development policies are governed by the Westphalia Sector Plan and the MPOT. The subject property has frontage on both Westphalia Road (C-626) and Rock Spring Drive (C-627). Both roads have been designated as master plan collector roads and have 80-foot rights-of-way. The applicant previously dedicated the full right-of-way of Rock Spring Drive through their property, per the plat recorded in Plat Book ME 251 page 65. An additional 350 square feet of right-of-way dedication to Westphalia Road is included with this PPS. The dedication will properly accommodate future road widening.

11. **Schools**—Per Section 24-122.02 of the Subdivision Regulations, and Council Resolutions CR-23-2001 and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, this subdivision was reviewed for impacts to school facilities in accordance with the ordinance and resolutions. The property is exempt from a review for schools because it is a non-residential use.
12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated October 30, 2020 (Thompson to Diaz-Campbell), incorporated by reference herein.

Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2018 *Water and Sewer Plan* placed most of the property in Water and Sewer Category 3, Community System. Parcel A is in Sewer Category 4, Community System Adequate for Development Planning. A portion of existing Parcel 67 is in Water and Sewer Category 5, Future Community System, which is outside the appropriate service area. The applicant therefore requested a change for this portion of Parcel 67 to Water and Sewer Category 4 through the December 2020 Cycle of Amendments to the Water and Sewer Plan. However, as of the March 11, 2021 hearing for this PPS, the Prince George’s County District Council had not yet approved the category change.

Because the District Council did not approve the category change prior to the PPS approval, approval of the PPS is made conditional on the applicant receiving the category change prior to the plan’s certification. There are several circumstances of the site and development proposal in support of this condition, which are not generally applicable to other properties. First, only a portion of Parcel 67 is in Water and Sewer Category 5, while the rest of it is already in Category 3. Second, only a single building is proposed, which will be partially built in the Category 3 area of the site. Third, the building is proposed to be served from Westphalia Road, where existing water and sewer lines are already available. Based on these circumstances, it is reasonably certain the applicant will receive the category change they have requested. A category change would not be added to the PPS conditions of approval without such reasonable certainty. If the applicant does not receive the requested category change, signature approval of the PPS will not be possible.

- 13. Use Conversion**—The total development included in this PPS is 18,112 square feet of institutional development in the R-R and C-S-C Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

It is noted that all 18,112 square feet of institutional development is currently proposed to be developed on Parcel 1. This means that no square footage can be developed on Parcel 2. Ancillary uses which would not use a portion of the capacity established herein (e.g., parking, open space, etc.) could potentially be developed on Parcel 2. However, development of any new building or uses on Parcel 2, such that the total development would exceed the capacity established with this PPS, would require approval of a new PPS for Parcel 2.

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

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The site abuts Westphalia Road, Rock Spring Drive, and the remainder of Melwood Road, which is now stubbed to a cul-de-sac and called Melwood Road North. The required PUEs are provided along all the public rights-of-way.

- 15. Historic**—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. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
- 16. Environmental**—The following applications and associated plans for the subject site are applicable to this case and were previously reviewed:

Development Review Case	Associated Tree Conservation Plan or Natural Resource Inventory	Authority	Status	Action Date	Resolution Number
N/A	NRI-197-2016	Staff	Approved	12/1/2016	N/A
N/A	NRI-197-2016-01	Staff	Approved	9/1/2020	N/A
N/A	NRI-123-2019	Staff	Approved	12/26/2019	N/A
4-17022	TCP1-019-2020	Planning Board	Pending	Pending	Pending

Grandfathering

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because it is a new PPS.

MASTER PLAN CONFORMANCE

General Plan

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy (2035).

Sector Plan

The Sector Plan and SMA include applicable goals, policies, and strategies. The following policies are applicable to the current project with regards to natural resources preservation, protection, and restoration. The text in BOLD is the text from the sector plan and the plain text provides comments on plan conformance.

Environmental Infrastructure Section Recommendations:

Policy 1: Green Infrastructure: Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

The Green Infrastructure network from the 2017 *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* supersedes the Green Infrastructure map in the sector plan. The mapped Regulated and Evaluation areas are the focus of preservation as shown on the Type 1 tree conservation plan (TCP1). The site is not mapped as being in any of the primary or secondary corridors mapped within this plan. No impacts to the primary management area (PMA) are proposed. The green elements of the site are proposed to be protected through woodland preservation.

Policy 2: Water Quality and Quantity: Restore and enhance water quality of receiving streams that have been degraded and preserve water quality and quantity in areas not degraded.

Implementing conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications is encouraged. The capture and reuse of stormwater for grey water should be considered with the site's final design to the fullest extent possible.

The proposed SWM Concept Plan (2314-2017) will use a combination of nine micro-bioretenion facilities, one micro-pool, and an underground storage facility to improve the water quality of runoff.

Policy 3: Energy Consumption: Reduce overall energy consumption and implement environmentally-sensitive building techniques.

Green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power is encouraged.

Countywide Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the *Countywide Green Infrastructure Plan*, approximately 60 percent of the subject property is within designated evaluation areas with a regulated area located along the southern boundary of proposed Parcel 2. A stream buffer for a stream located south of Parcel 2 is located on-site and is the PMA. These areas are the focus of preservation efforts as shown on the overall TCP1 for the property, which is appropriate and in conformance with the Green Infrastructure Plan. No impacts to the PMA are proposed with this PPS.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory Plan (NRI-197-2016-01), which shows the existing conditions of the property. A total of eight specimen trees have been identified on-site or within the immediate vicinity of the site's boundary.

The site does contain regulated environmental features, including a stream buffer for an off-site stream which comprises the PMA. The Forest Stand Delineation indicates that there are three forest stands; two of which have a high rating for preservation. The site has a total of 3.33 acres of net tract woodland. Areas of steep slopes are scattered across the site.

No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-019-2020) was submitted with the PPS.

According to the worksheets shown on the TCP1 submitted, the site is 5.28 acres split zoned between the C-S-C (3.33 acres), R-R (1.90 acres), and R-M (0.05 acre) zones. A total of 3.33 acres of existing woodlands are on the net tract. The site has a total woodland conservation threshold of 0.89 acre, or 15.0 percent (0.50 acre) of the net tract for the portion in the C-S-C zone, and 20.0 percent (0.39 acre) for the portions in the R-R and R-M zone, as tabulated. The TCP1 shows a total woodland conservation requirement of 1.81 acres based on the proposed clearing shown. The TCP1 shows this requirement will be met by providing 0.79 acre of on-site woodland preservation for the portion in the C-S-C zone, and 1.14 acres of off-site woodland conservation credits for the portion of the property zoned R-R and R-M.

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Beltsville-Urban land complex (0-5 percent slopes), and Grosstown-gravelly silt loam (5-10 percent slopes). According to available information, no unsafe soils containing Christiana complexes or Marlboro clay exist on-site.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains a stream buffer for a stream that is located south of proposed Parcel 2, which comprises the PMA. The PMA is located in the proposed Woodland Preservation area, and no impacts to the PMA will occur with this project. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1.

Specimen, Champion, or Historic Trees

Tree conservation plans are required to meet all the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, of Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance to Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of Division 2 of Subtitle 25 provided all of the required findings in Section 25-119(d) of the WCO can be met. An application for a variance must be accompanied by a statement of justification (SOJ) stating the reasons for the request and how the request meets each of the required findings.

The site contains eight specimen trees, with the ratings of good (ST 2, 4, 6 and 7), fair (ST 1), and poor (ST 3, 5, and 8). The current design proposes to remove Specimen Trees 4 -7 for the development of the church and infrastructure.

Review of Subtitle 25 Variance Request

A Subtitle 25 Variance Application and an SOJ in support of a variance were received on October 15, 2020.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the specimen trees. Details specific to individual trees has also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY FOR 4 TREES PROPOSED FOR REMOVAL ON TCP1-019-2020

ST Number	COMMON NAME	DBH (in inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION
4	Pin Oak	48	good	to be removed
5	Post Oak	38	poor	to be removed
6	White Oak	36	good	to be removed
7	White Oak	33	good	to be removed

A variance to Section 25-122(b)(1)(G) is requested for the clearing of the four specimen trees on-site. According to the TCP1, the site consists of 5.28 acres and is zoned C-S-C, R-R, and R-M. The current proposal for this property is to develop the site with a place of worship. This variance is requested to Section 25-122 of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance, which requires that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance Application form requires an SOJ of how the findings are being met.

The text in BOLD, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

Previous dedication of Rock Spring Drive through the property limited the amount of land available for development of the proposed place of worship. In addition to the land area needed to accommodate this public roadway, a substantial portion of the property is needed to meet the 100-year SWM quantity requirement.

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

Approval of a variance for removal of the specimen trees is necessary to ensure that the applicant is afforded the same considerations provided to owners of other properties that encounter similar conditions and in similar locations on a site.

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

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The removal of the trees as a result of their location on the property and the limitations on site design are not the result of actions by the applicant.

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

The request to remove the specimen trees does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

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

Granting of the variance will not adversely affect water quality because the removal of the four specimen trees will allow for the applicant to fully satisfy all applicable SWM requirements.

The required findings of Section 25-119(d) have been adequately addressed for the removal of four specimen trees (ST-4 to ST-7). The requested variance is therefore approved.

17. **Urban Design**—The proposed development of an 18,112-square-foot church building will be subject to DSP approval.

Conformance with the Requirements of the Prince George's County Zoning Ordinance

DSP review is not required for a church use located on a lot over two acres in size in the residential zones. If the proposed church is located on the R-R zoned portion of the site, the proposed development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, including but not limited to the following;

- Section 27- 428 R-R- Zone,
- Section 27-441(b) Table of Uses for the R-R Zone,
- Section 27-442 Regulations in the R-R Zone,

- Part 11 Off Street Parking and loading, and
- Part 12 Signs.

DSP review is also not required for church uses located in the C-S-C Zone. If the proposed church is located on the C-S-C zoned portion of the site, the proposed development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, including but not limited to the following;

- Section 27- 454 C-S-C Zone,
- Section 27-461(b) Table of Uses for the C-S-C Zone,
- Section 27-462 Regulations in the C-S-C Zone,
- Part 11 Off Street Parking and loading, and
- Part 12 Signs.

Any site improvements located on the R-M zoned portion of the property must be in accordance with an approved comprehensive design plan and specific design plan, as discussed further in the Outparcel Future Approvals section below.

In addition, the subject property is located in the noise intensity zone of the M-I-O Zone. Conformance with the requirements of Conical Surface, Right Runway (E) for height and conformance with the requirements of the Noise Intensity Zone (60dB-74dB) will be evaluated at the time of future review.

Notwithstanding the review requirements of the specific underlying zones as discussed above, the 2007 Sector Plan and SMA rezoned the predominant portion of the subject property to the C-S-C Zone with the following findings:

The Spirit of God Deliverance Church properties (Tax Map 80, Parcels 67 and 211) located on the south side of Westphalia Road, east and west of Melwood Road, should be classified in a commercial zoning category to allow institutional and limited commercial land uses, provided that site plan review by the Planning Board is obtained prior to issuance of a building permit for any new construction on the site. The purpose of site plan review is to ensure that any proposed commercial or institutional use on this property has high quality architectural design, landscaping and construction materials and effective on-site buffering for existing or future residential or institutional land uses in the area. It is not intended that commercial or institutional activities on these properties will establish a precedent to justify further commercial expansion along these roads.

Based on the above finding, in conformance with the text of the sector plan, a DSP review is required as a condition of approval. The DSP review shall ensure high quality architectural design, landscaping, and construction materials, as well as effective on-site buffering for existing or future residential, or institutional land uses in the area. Review of the DSP will cover the applicable requirements of the Zoning Ordinance related to the R-R, C-S-C, and M-I-O Zones.

Conformance with Prior Approvals

The site has a previous Alternative Compliance application, AC-05020, which sought relief from the requirements of Sections 4.2, 4.3 and 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). AC-05020 is currently dormant.

Conformance with the 2010 Prince George's County Landscape Manual

This development will be subject to the requirements of the Landscape Manual at the time of DSP review. Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6 Buffering Development from Special Roadways for Westphalia Road; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned C-S-C are required to provide a minimum of 10 percent of the gross tract area in TCC and 15 percent is required in the R-R zone. Conformance with TCC requirement will be evaluated at the time of DSP review.

Outparcel Future Approvals

The applicant opted not to consolidate existing Outparcel 91 with the rest of their property, in order to simplify the stages of the development review process that will occur after approval of the PPS. This land area will continue to be designated as an outparcel, given its size, but may be developed with infrastructure to support the development of Parcel 1. Leaving the outparcel un-consolidated is beneficial because it leaves a definitive boundary between the area of the site subject to DSP approval and the area that will be subject to CDP and SDP approval if developed. This boundary is aligned with the boundary between the C-S-C and R-M-zoned portions of the site.

The submitted plans show potential development of some minor site features, including landscaping and a drive aisle, within the outparcel. So long as these features are proposed within the outparcel, a CDP revision and an SDP approval will be required, as in the R-M Zone approval of any permit (not just a building permit) is tied to there being an approved SDP for the property.

If the applicant's intent is to eliminate the need for CDP and SDP approval, the site design should be modified at the time of DSP to eliminate all proposed work, including the features mentioned above and any grading, within the outparcel. If the applicant finds that they need to develop the area within the outparcel in order to develop the site as a whole, then the applicant should submit their DSP application, CDP revision application, and SDP application for review simultaneously. This will ensure that the site design can be evaluated holistically, despite its approval being split between different applications.

If at the time of a future comprehensive rezoning or sectional map amendment, the Spirit of God Deliverance Church property should be rezoned so that it is all within a single zoning category,

Parcel 1 and the outparcel may be consolidated. This will help ensure that, if in the future the applicant proposes any renovations or further development, there will be only one sequence of development approvals needed.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 11, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of April 2021.

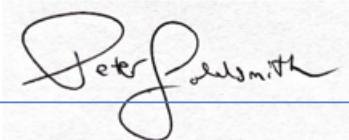
Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: March 16, 2021