PGCPB No. 10-57 File No. DSP-09012

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 29, 2010, regarding Detailed Site Plan DSP-09012 for Seventh Day Church of God, the Planning Board finds:

1. **Request**: The subject application is a request to convert an existing single-family detached dwelling into a church. No exterior building changes are proposed, except for the removal of an existing carport on the east side of the building to be replaced with a proposed entrance drive. Additionally, a parking lot, building-mounted sign and landscaping are proposed to support the church use.

2. **Development Data Summary**:

	EXISTING	**APPROVED**
Zone(s)	R-R	R-R
Use(s)	Single-Family Detached	Church
Acreage	1.47	1.47
Lots	1	1
Square Footage	2,224	2,224
Dwelling Units	1	0

Parking Data

Required

Church (60 seats @ 1 space per 4 seats)	15
Total	**15***
	of which, 1 is required to be handicap

Approved

Standard	8
Compact	5*
Handicap	2
Total	**15**

*Per Section 27-559(a), up to one-third of the required number of parking spaces may be compact. This site complies as there are five proposed compact spaces.

3. **Location:** The property is located in Planning Area 71A, Council District 4, on the south side of Lanham-Severn Road, one-quarter mile northeast of its intersection with Springfield Road.

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4. **Surrounding Uses:** The subject site is bounded to the north by Lanham-Severn Road (MD 564), to the east by a single-family detached residence, to the west by a nursing home, and to the south by an above-ground passenger railroad line.

5. **Previous Approvals:** The site is improved with a single-family detached residence, which was built in 1957. The site is the subject of Stormwater Management Concept Plan 15768-2009-00, which will remain valid until May 4, 2010.

6. **Design Features:** The subject application proposes a change in use of an existing single-family dwelling into a church. The existing building is 2,224 square feet in size and internal renovations have already taken place to include a 60-seat gathering space. Additionally, to support this use, the application proposes the construction of a 15-space parking lot to the rear of the structure in an open field area. An existing carport at the end of the existing driveway on the east side of the structure will be removed and replaced with an access drive to the parking area. The applicant also seeks approval of a proposed building-mounted sign located on the north or front side of the building. Fencing and plant material will be installed along the east property line, where the entrance drive and parking facility are adjacent to a single-family detached residence. To satisfy the *Prince George's County Landscape Manual* requirements, new plant materials will also be added to the north edge of the property for the required landscaped strip and to the west side of the building for the required bufferyard. The existing woodland at the southern end of the site is to remain undisturbed.

   The Planning Board found the front building elevation to be plain and unremarkable and therefore HAS IMPOSED Condition 1(c), which calls for the addition of larger evergreen foundation plantings along the front building elevation to improve its appearance.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.

   a. A church use is only permitted on lots between one and two acres in size in the R-R Zone pursuant to Footnote 52 of the Table of Uses found within Section 27-441(b) of the Zoning Ordinance:

   (52) A church or similar place of worship that is located on a lot between one (1) and two (2) acres in size shall require a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle. In addition to the requirements of Section 27-285(b), the following requirements shall be met:

   (A) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
   (B) When possible, there should be no parking or loading spaces located in the front yard; and

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(C) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased. (CB-76-1993)

This development does not meet the requirements of Footnote 52 (A), but does meet the requirements of (B) and (C). The applicant has submitted an application for a variance from Footnote 52 (A) to allow for the existing building, which is located approximately 22 feet from the eastern property line, approximately 14 feet from the western property line and approximately 17 feet from the ultimate right-of-way line of Lanham Severn Road, to be used as a church. Section 27-230 (a) of the Zoning Ordinance sets forth the following required findings for approval of a variance:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

The applicant provided the following justification in response to this requirement:

> "The parcel is 101.6 feet wide at the front and 212 feet wide in the rear, which produces an odd hammer head shape. The extraordinary situation or condition of the subject property is that the existing structure was constructed prior to the adopting of CB-76-1993, which provides the said setback requirements. Further, although the subject structure is approximately 14 feet from the nearest property line, the nearest adjacent residential structure is 100 feet away.
>
> The structure is in violation of the zoning ordinance because it was in existence prior to the promulgation of the said setback requirements. As such, this represents an extraordinary situation which would qualify for the granting of a variance."

The Planning Board concurs with the applicant's assertion that the narrowness of the front of the lot represents an extraordinary situation regarding the existing building's setbacks from the side property lines. Additionally, the existing buildings on the adjacent lots are set back over 100 feet from the shared property lines. Regarding the front lot line, the existing building is only in violation of the 25-foot required setback from the ultimate right-of-way line, not from the existing right-of-way line.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

The applicant provided the following justification in response to this requirement:

> "The existing structure is in good condition and was purchased by the church at a considerable sacrifice to its members, with the understanding that they would be

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> able to use the structure as a church. The redeveloping of this site in order to allow for strict compliance with the requirements of the regulation would result in the complete demolition and reconstruction of the structure at considerable financial cost and hardship to the church. There is no intent to change the footprint of the building."

The Planning Board concurs with the applicant's assertion that bringing the existing structure into compliance with the setback requirement would result in major building modifications or demolition and undue hardship; however, the Planning Board notes that the applicant does now intend to make a minor change to the footprint of the building with the removal of the existing carport.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The applicant provided the following justification in response to this requirement:

> "The property is located in the area covered by the *Bowie and Vicinity Master Plan* which was adopted in 1991. It is in the Developing Tier. The structure was constructed as a single-family residence and there is no desire to change its size or appearance. As such, the granting of the variance will not impair the intent, purpose or integrity of the master plan."

The Planning Board finds that the applicant is intending to change the size and appearance of the building with the removal of the existing carport; however, this change will not negatively impact the appearance of the building. The Planning Board concurs with the applicant's assertion that the variance will not impair the intent, purpose, or integrity of the February 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B.* The master plan does not offer specific recommendations for this site or area. General goals listed in the master plan for the developing tier include maintaining low- to moderate-density land uses and sustaining existing suburban residential neighborhoods. This proposal does not impair these goals, as a 60-seat church is a low- to moderate- density land use and the plan proposes few changes to the existing residential building and lot.

b. The proposal is in conformance with the requirements of Section 27-442, regarding regulations in the R-R Zone.

c. The proposal is in conformance with the signage requirements of Sec. 27-615, which indicate that a sign associated with a nonresidential use in a Residential Zone shall be regulated by the same provisions as those for the least intensive Commercial Zone in which the nonresidential use is allowed. The sign detail showing dimensions, materials, colors, lettering and mounting was provided on a supplemental sheet; and the Planning Board found that the sign detail shall be added to the plan in order for it to be part of the

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final certified plan set. The proposed sign that is to be mounted to the building façade, more than ten feet behind the street line, does not extend above the roofline of the building, measures 18 square feet, and is in conformance with the requirements of Section 27-613(a), (b) and (c).

8. ***Prince George's County Landscape Manual***: The proposed development is subject to Section 4.2, Commercial and Industrial Landscaped Strip, for the property line adjoining Lanham-Severn Road and Section 4.7, Buffering Incompatible Uses, for the remaining property lines.

Alternative Compliance was requested from Section 4.7 along the northeastern and southwestern property lines. The Planning Director has endorsed the Alternative Compliance Committee's recommendation of approval of AC-10006 as follows:

Location:

The subject site is located on the southeast side of Lanham-Severn Road (MD 564), approximately 1.3 miles northeast of its intersection with Greenbelt Road (MD 193).

Background:

The subject application is for a detailed site plan for a proposed church within a structure previously used as a single-family detached unit. The subject property measures approximately 1.47 acres and is zoned R-R (Rural Residential). The site is bounded to the northwest by Lanham-Severn Road (MD 564), to the southwest by a nursing home in the R-R Zone, to the southeast by the National Railroad Passenger Corporation Railroad right-of-way, and to the northeast by a single-family detached home in the R-R Zone.

The site is subject to Sections 4.2, Commercial and Industrial Landscaped Strip, and 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual.* The applicant has filed this request for alternative compliance from Section 4.7 to allow for a reduced bufferyard between the proposed church and the single-family detached residential unit, and between the proposed church and the nursing home.

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REQUIRED: 4.7 Buffering Incompatible Uses, along the northeastern property line, adjacent to the single-family detached home.

Length of bufferyard	390 feet
Building setback	40 feet
Landscape yard	30 feet
Fence or wall	Yes (for 390 feet)
Percentage of required bufferyard occupied by existing woodland	29%
Plant units (120 per 100 l.f.)	167 plant units

PROVIDED: 4.7 Buffering Incompatible Uses

Length of bufferyard	390 feet
Building setback	22.7 feet
Landscape yard	0-30 feet
Fence or wall	Yes (for 390 feet)
Plant units	170 plant units

REQUIRED: 4.7 Buffering Incompatible Uses, along the southwestern property line. adjacent to the nursing home.

Length of bufferyard	401.63 feet
Building setback	20 feet
Landscape yard	10 feet
Fence or wall	No
Percentage of required bufferyard occupied by existing woodland	70%
Plant units (80 per 100 l.f.)	49 plant units

PROVIDED: 4.7 Buffering Incompatible Uses

Length of bufferyard	401.63 feet
Building setback	14.1 feet
Landscape yard	10 feet
Fence or wall	No
Plant units	70 plant units

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Justification of Recommendation:

The underlying detailed site plan application proposes the conversion of an existing single-family detached home into a church, with no increase in gross floor area. The change in use establishes a greater building setback and landscaped yard, with which the existing structure will not comply, along the northeastern property line. The applicant is requesting approval of a zero to 30-foot variable width landscaped yard to allow for the existing building and the proposed drive aisle and parking lot within the required landscaped yard. A six-foot-high, board-on-board fence for screening is proposed along the entire northeastern property line and all of the required plant material is proposed to be provided.The existing building extends 17.3 feet into the required 40-foot building setback as determined by the *Prince George's County Landscape Manual.* The applicant has also applied for a Variance, VD-09012, for relief of the building setback required by Section 27-441(b), Table of Uses, of the Zoning Ordinance, which requires a 25-foot setback.

The existing building also extends 5.9 feet into the required 20-foot building setback along the southwestern property line, adjacent to the nursing home. The applicant is proposing to provide the full width landscaped yard and 21 plant units above the amount of required plant material. The building setback required by the Zoning Ordinance along this property line will also be addressed with Variance VD-09012.

The Alternative Compliance Committee finds that the combination of fencing and plant material along the northeastern property line, and the additional plant materials along the southwestern property line will result in a buffer that is equal to or better than normal compliance with the *Prince George's County Landscape Manual.*

9. **Woodland Conservation and Tree Preservation Ordinance**: The site is exempt from the requirements of the Woodland Conservation and Tree Preservation Ordinance because the plan shows the clearing of zero square feet of existing woodland. This exemption will remain valid until such time as the cumulative woodland disturbance exceeds 5,000 square feet during any five-year period or the site is required to go through the subdivision process.

10. **Referral Agencies and Departments**: The subject application was referred to the concerned agencies and departments. The referral comments are summarized as follows:

    a. **Transportation Planning Section—**There are no prior plans that would affect the development of this use on this site. Access is acceptable, but must be coordinated with State Highway Administration SHA. Lanham-Severn Road (MD 564) is now designated as a collector within an 80-foot right-of-way. Therefore, the notation of the ultimate right-of-way (ROW) line on the plan is in error, and this line must be revised from 60 feet from centerline to 40 feet from centerline.

This change has been made and the ultimate right-of-way is shown at a dimension of 40 feet from the existing centerline.

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b. **Subdivision Section**—From the information provided, the site is exempt from the requirement of filling a preliminary plan of subdivision pursuant to Section 24-107(c)(7)(C) of the Zoning Ordinance because the existing structure was constructed prior to January 1, 1990 and the proposed development does not exceed five thousand square feet of gross floor area. The detailed site plan should be revised to include the following notes:

(1) Pursuant to Section 24-107(c)(7)(C) the addition of more than 5,000 square feet of gross floor area (GFA) to the existing *3,652 GFA** will require the approval of a preliminary plan of subdivision.
*Please insert the correct square footage for the existing structure on the subject property.

(2) Existing structure on the property was constructed prior to 1965. There are no other subdivision issues at this time.

The plan was revised to incorporate the two required notes.

c. **Trails—**From the standpoint of non-motorized transportation, it is determined that this plan is acceptable and meets the findings required for a detailed site plan as described in Section 27-285 of the Zoning Ordinance if the following condition were to be included:

(1) The December 2008 Preliminary Countywide Master Plan of Transportation recommends that Lanham-Severn Road be designated as bikeway with appropriate signage. Lanham-Severn Road is a State right-of-way, and the applicant and the applicant's heirs, successors, and/or assignees shall provide for the placement of the bicycle facility signage. Prior to the Planning Board conditioning of the placement of the sign, the Maryland State Highway Administration (SHA) shall have the opportunity to review the proposed locations to ensure that they are acceptable. The applicant shall purchase the signs from the State and install them in accordance with the State's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities.

The proposed condition has been incorporated as a condition.

d. **Permit Review**—The Permit Review Section provided several comments which are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through proposed conditions of approval of this detailed site plan.

e. **Environmental Planning—**This site is exempt from the Woodland Conservation and Tree Preservation Ordinance because no clearing is associated with this proposal. The site has stormwater management concept approval that requires a fee-in-lieu of on-site stormwater management attenuation/quality control, proposes an infiltration trench and retains an existing above-ground storm drain easement.

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f. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated April 20, 2010, DPW&T indicated that the proposed site development is consistent with the approved stormwater management concept plan.

g. **Maryland State Highway Administration (SHA)**—In a referral dated February 8, 2010, SHA indicated that modifications to the existing driveway entrance will be necessary to ensure that proper sight lines are achieved and commercial entrance standards, as provided in the SHA access manual, are met. SHA's comments will be required to be addressed prior to the issuance of an access permit.

h. **City of Bowie**: The City of Bowie indicated that the City has no comment and that the development does not impact the City.

11. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-09012, Alternative Compliance No. AC-10006 and further approved Variance Application No. VD-09012, with the following conditions:

1. Prior to signature approval, the following revisions shall be made to the detailed site plan or the following information shall be provided:

   a. Add a detail of the building-mounted sign, showing information regarding dimensions, materials, colors, lettering, and mounting, to the plan.

   b. Provide the individual calculations for the lot coverage (structures and parking) on the site plan.

   c. Additional foundation plantings shall be provided along the front building elevation and the final design shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

2. Prior to the issuance of the final certificate of occupancy by the Department of Environmental Resources (DER), the applicant and the applicant's heirs, successors, and/or assignees shall provide for the placement of the bicycle facility signage, unless modified by the Maryland State Highway Administration (SHA). Prior to the placement of the sign, the Maryland State Highway Administration shall have the opportunity to review the proposed locations to ensure that they are acceptable. The applicant shall purchase the signs from the State and install them in accordance

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with the State's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Vaughns absent at its regular meeting held on Thursday, April 29, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of May 2010.

Patricia Colihan Barney
Executive Director

By Frances J. Guertin
Planning Board Administrator

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