



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Special Exception

SE-4662

Application	General Data	
Project Name: Beall Funeral Home Location: Located along the northwest side of Robert Crain Highway (MD 3), approximately 2,700 feet south of its intersection with MD 450 (Annapolis Road). Applicant/Address: Beall Funeral Home 6512 Crain Highway Bowie, MD 20715	Planning Board Hearing Date:	06/24/10
	Staff Report Date:	06/08/10
	Date Accepted:	08/05/09
	Planning Board Action Limit:	N/A
	Plan Acreage:	4.68
	Zone:	R-E
	Dwelling Units:	N/A
	Existing Square Footage:	10,256
	Planning Area:	71A
	Tier:	Rural
	Council District:	04
	Municipality:	N/A
	200-Scale Base Map:	209NE14

Purpose of Application	Notice Dates	
Special exception request for the addition of a 3,560-square-foot crematory, a 5,100-square-foot chapel, a 1,680-square-foot detached garage, and an additional parking compound. (A revision to previously approved Special Exception Application SE-4283).	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003)	02/04/09
	Sign(s) Posted on Site:	N/A

Staff Recommendation		Staff Reviewer: John Ferrante Phone Number: 301-952-3665 E-mail: John.Ferrante@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Supervisor, Zoning Section

FROM: John Ferrante, Senior Planner, Zoning Section

SUBJECT: **Special Exception Application SE-4662**

REQUEST: **Special exception request for the addition of a 3,560-square-foot crematory, a 5,100-square-foot chapel, a 1,680-square-foot detached garage, and an additional parking compound.**

(A revision to previously approved Special Exception Application SE-4283).

RECOMMENDATION: **Approval with Conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of June 24, 2010. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. **Location and Field Inspection:** The subject property is known as Parcel A and consists of 4.68 acres in the R-E Zone (Residential-Estate). The property is situated just outside the City of Bowie’s municipal limits, and is located along the southbound lanes of MD 3, approximately 2,700 feet south of its intersection with MD 450. The site is currently improved with a 10,256-square-foot, one-story funeral home that was approved on February 2, 1998 pursuant to prior Special Exception SE-4283. No streams, wetlands, or other sensitive environmental features were found to occur on the property.

The entire parking compound is currently paved with the exception of a bluestone gravel parking area that exists along the northern edge of the property. The bluestone parking area contains 20 standard-size parking spaces which were designated as “overflow parking” on the prior approved Special Exception (SE-4283) site plan. The existing parking compound consists of approximately 135 parking spaces, and two loading spaces are currently provided on the site. The existing landscaping on the property appears to be in excellent condition. The parking compound is surrounded by mature woodland along the three property lines where the site abuts residential uses. Two driveway entrances provide the site direct access to MD 3, a master planned designated freeway.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	Funeral Parlor	Funeral Parlor, Crematory, Chapel w/258 seats
Acreage	4.68	4.68
Parcels	1	1
Square Footage/GFA	10,256	20,596

- C. **History:** The property was the subject of previously approved Special Exception Application SE-4283. On February 2, 1998, the District Council adopted the Zoning Hearing Examiner’s final decision for SE-4283, which authorized the new use of a 10,256-square-foot funeral home on the subject property. Because the applicant proposed the new development of a building which exceeded 5,000 square feet of gross floor area, the approval of a preliminary plan of subdivision was required in accordance with Section 24-107(c)(7)(B) of the Subdivision Regulations. Preliminary Plan 4-97112 was subsequently approved by the Planning Board on February 5, 1998 for the purposes of testing adequate public facilities for the new construction of a 10,256-square-foot funeral home.

The property’s only street frontage is along MD 3, a designated freeway. At the time of preliminary plan, the applicant proposed direct access to southbound MD 3, which can only be authorized by the Planning Board through their approval of a variation from Section 24-121(a)(3) of the Subdivision Regulations. The Planning Board heard and approved the applicant’s variation request at the February 5, 1998 public hearing. The property has no other street frontage that would allow for an alternative access point, and the denial of access along MD 3 would not allow the property to be developed in accordance with its underlying zoning designation. A companion Type I Tree Conservation Plan, TCPI-37-97, was approved by the Planning Board on the same day as Preliminary Plan 4-97112. The Planning Board’s actions for Preliminary Plan 4-97112 and TCPI/37/97 are contained within PGCPB Resolution No. 98-25.

The conditions of approval for Preliminary Plan 4-97112 required the applicant to obtain technical approval of a conceptual stormwater management plan, and to have a Water Appropriation Permit and site plan approved by the Health Department for the proposed well and sewage disposal area. Stormwater Management Concept Plan 988002320 was subsequently approved by the Department of Environmental Resources, Watershed Protection Branch, and the Health Department approved Site Plan 950328 on March 6, 1998 for the sewage disposal area, percolation tests, and water table observation holes.

A final plat of subdivision for Beall Funeral Home was recorded in Land Records on July 1, 1998 as VJ 183 @ 72. Information derived from the Maryland Department of Assessments and Taxation indicates that the existing 10,256-square-foot building was constructed in approximately 1999. Additional approvals since that time include Type II Tree Conservation Plan TCPII/08/98, approved by the Environmental Planning Section on April 10, 2009, and Stormwater Management Concept Plan 17052-2009-00, approved by the Department of Public Works and Transportation (DPW&T) on August 17, 2009.

- D. **Master Plan Recommendation:** The subject property is located within the limits of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. In a memorandum dated December 14, 2009, the Community Planning North Division determined that the subject application conforms to the rural land use recommendations within the master plan.

The 2002 *Prince George's County Approved General Plan* locates the subject property within 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. In a memorandum dated December 14, 2009, the Community Planning North Division determined that the subject application is consistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

The 2006 approved Bowie and vicinity master plan and sectional map amendment retained the subject property in the R-E Zone.

- E. **Request:** The applicant requests a revision to previously approved Special Exception SE-4283 in order to authorize the new addition of a 3,560-square-foot crematory, and a 5,100-square-foot chapel. A separate 1,680-square-foot detached garage is also proposed for the storage of vehicles that are accessory to the use, as well as the construction of a new parking compound along the western portion of the site to serve the patrons of the funeral home. The proposed uses of a funeral parlor and crematory require the approval of a special exception application in accordance with Section 27-317(a) of the Zoning Ordinance. A chapel is typically allowed by right in the R-E Zone, provided that the property the use is situated on exceeds two acres in size. The subject property contains 4.68 acres.

The new building addition is proposed to extend off of the south side of the existing 10,256-square-foot building to contain the proposed crematory and chapel, while the new garage is proposed as a freestanding structure along the western portion of the site. The proposed garage will have four bays for the private parking of funeral-related vehicles and a small storage area consisting of approximately 64 square feet. Minor revisions to the existing septic recovery area are also proposed along with the relocation of the existing septic tank.

Both the chapel and the crematory are proposed to be constructed within the limits of the existing parking compound, and 14 existing parking spaces are proposed to be eliminated in order to accommodate the building addition. In an effort to retain the parking spaces on the property that would be eliminated through the construction of the proposed building addition and to provide the additional parking spaces that are now required to serve the proposed chapel, the northern edge of the existing parking compound will be slightly expanded and an additional parking compound is proposed to be constructed along the western portion of the property. Compact parking spaces will be implemented within the new parking compound. Although, compact parking spaces were reflected on the previously approved special exception site plan, they were never implemented on the property. The plans initially submitted for the subject application demonstrated that only standard-size parking spaces currently exist on the site.

The plan proposes 33 percent lot coverage (a maximum of 60 percent of the net lot area is allowed). However, the lot coverage calculations were not updated on the revised plans to reflect the additional parking area that is now proposed along the rear of the site. A condition has been established as part of this report to require the lot coverage calculations to be updated prior to any certification of the special exception site plan.

F. **Neighborhood and Surrounding Uses:** To the north, south, and west are detached single-family dwellings that are situated on larger estate lots within the R-E Zone. To the east are the southbound lanes of MD 3, a designated freeway. The neighborhood is the area south of MD 450, west of the southbound lanes of MD 3, and northeast of White Marsh Park. These boundaries were accepted by the Zoning Hearing Examiner (ZHE) for the original Special Exception (SE-4283) for the existing funeral home.

G. **Specific Special Exception Requirements for a Funeral Parlor or Undertaking Establishment:** Section 27-357 of the Zoning Ordinance permits a funeral parlor or undertaking establishment subject to the following:

(a) **A funeral parlor or undertaking establishment may be permitted subject to the following:**

(1) **The minimum side and rear yard setbacks shall be at least fifty (50) feet each, when adjoining land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan;**

Comment: The site is located within a residential zone (R-E), and abuts other residentially-zoned properties to the north, south, and west that are improved with detached single-family dwellings. The site plan submitted for this application demonstrates that all existing and proposed structures will be set back at least fifty feet from the adjoining residentially-zoned properties.

(2) **If the subject property is located in a Residential Zone, it shall contain at least one and one-half (1 1/2) contiguous acres;**

Comment: The subject property is located within the Residential-Estate Zone (R-E) and has a net lot area that consists of 4.68 contiguous acres.

(3) The use shall not depreciate the value of neighboring properties;

Comment: At the time of the previous Special Exception application (SE-4283) in 1998, the applicant submitted a study that was prepared by a licensed real estate appraiser. The purpose of the study was to provide a determination on whether the use of a funeral home on this property would depreciate the value of neighboring properties. The applicant's consultant analyzed property values near three funeral homes in Prince George's County, one in Laurel, one in Beltsville, and one in Bowie. In each case, the consultant compared the sale price of a home located close to the studied funeral home with sale prices of similar homes within the general neighborhood. In each case, the consultant found that sale prices of the homes were reasonably comparable. In one case (Beltsville), the home closest to the funeral home had a sale price that was higher than other homes in the vicinity. The study ultimately concluded that in the three sites studied, the funeral home did not depreciate the value of neighboring properties.

Staff agreed with the findings and conclusions of the consultant's study and found that the use of a funeral home on the subject property should not have impacts that were significantly different from the three sites that were evaluated within the applicant's study. Staff found the subject property to be large enough to comply with all provisions of the Zoning Ordinance, and further concluded that adequate screening, buffering, and setbacks would protect adjacent properties from the impacts of the funeral home.

On March 25, 2010, a new analysis study was submitted by the applicant for the current special exception application. The new study was prepared by Associated Appraisers, the same firm who completed the original study in 1998 for prior Special Exception 4283.

The new study submitted included an impact analysis for the proposed crematory. On page 5 of the submitted study, the applicant's consultant states that the purpose of the study is to provide an impact analysis on the value of the neighboring properties and the impact of this expansion with a crematory on the character of the neighborhood. Staff would point out that the purpose of this study is to address the specific special exception requirements for the funeral home use as provided in Section 27-357(a)(3) and (4). There are no specific special exception requirements for crematories that require an applicant to demonstrate that the operation of these facilities will not depreciate the value of neighboring properties or adversely affect the character of neighboring properties.

Although the required findings within Section 27-357(a) only apply to the funeral home use, all uses that require approval of a special exception are required to demonstrate compliance with Section 27-317(a) of the Zoning Ordinance. Section 27-317(a)(5) of the Zoning Ordinance requires the applicant to demonstrate the following:

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Comment: Based on the new impact analysis that was submitted by the applicant, staff believes that the proposed use will not be detrimental to the use or development of adjacent properties, or the general neighborhood. All of the funeral homes that were studied within the current impact analysis included cremation facilities. Within a 50 mile radius of the subject zip code, there was a reported 30 crematory facilities, some of which extend into the limits of Virginia. The facilities that were located on Tucker Street in Beltsville and on Alexander

Ferry Road in Clinton are situated within industrial and commercial areas. There were no valuation impacts on these areas that could be isolated to the specific uses either in a positive or negative impact. With the Beall Funeral Home being completely surrounded by residential uses, the applicant's impact analysis correctly focuses on the property values of residential uses that abut, or that are adjacent to, funeral parlors containing cremation facilities.

The current impact study provides a detailed analysis of two funeral homes within Prince George's County, one in Laurel and one in Riverdale Park. Both of the studied funeral homes include cremation facilities. Ten residential home sales were transferred between February 2006 and November 2009 within the surrounding area of the Fleck Funeral Parlor and Crematory in Laurel, Maryland. One of the residential home sales examined was located directly across the street from the funeral home. The consultant noted that the dwelling on this property is situated approximately 200 feet north of the Fleck Funeral Home and Crematory with virtually no landscaping buffer existing between the uses. The property sold for \$315,000 on April 4, 2007.

The next closest property was situated approximately 325 feet from the Fleck Funeral Home and Crematory. This residential property sold for \$325,000 on February 15, 2007. The impact analysis found that the properties sold in the Laurel location were well within the distances of the single-family homes that abut the Beall Funeral Home. The consultant found that the two closest residential sales, one of which being the closest property in proximity to the funeral home, had the highest sale prices within the neighborhood. When compared to the other eight residential sales that occurred for similar homes on the same street within the subdivision, the consultant found no evidence that neighboring properties would result in a depreciated value as a result of their proximity to the funeral home and crematory.

The second funeral parlor that was studied was the Chambers Funeral Home and Crematorium in Riverdale Park, Maryland. All sales that were researched within this study area occurred after January 1, 2005. The streets surrounding the funeral home have experienced few sales and most of the activity was to the north of the funeral home. In August of 2005, a dwelling located within the same block of the funeral home was sold for \$300,000. The consultant found this sale to be in the upper value range that is typical for the market area. There were a total of 240 sales transactions of single-family dwellings that were sold from January 1, 2005 through December 31, 2005 based on the Metropolitan Regional Information System (MRIS). The minimum sale price was reported at \$130,000 and the maximum sale price was reported to be \$460,000, with the average sale price being \$291,877. The study found that the sale of the adjoining property falls well within the range of sales reported and above the average. On page 12 of the submitted impact analysis, the consultant provided the following statement:

“Typically if there is an adverse impact due to a detrimental influence there will be a large turnover of sales within that area. However, there is no evidence from the market that was researched that properties are selling at an elevated rate due to their location within the proximity of a funeral home and crematory. Therefore, if there is any impact it is not

demonstrated by a measurable loss in value or increased sales volume of surrounding properties.”

The study found the subject property to be adequately buffered along the three property lines where the site abuts residential uses. The consultant also determined that the property is in a more rural location with substantially less dense residential development than the other funeral homes studied. The impact analysis study concluded that a review of the market data did not produce evidence that property values have been negatively impacted by their proximity to a funeral home and crematory.

(4) The use shall not adversely affect the character of neighboring properties; and

Comment: The Maryland Department of Environment (MDE) has stated that their permitting process for the proposed crematory would not begin until the applicant has demonstrated that local zoning approval has been obtained. MDE will require a one-time permit to construct the crematory, and permits must be renewed annually by the agency in order to operate the crematory. The applicant has stated within their submitted statement of justification that, due to environmental improvements made over the last several decades, the cremation equipment operates without smoke or odor. Emissions from the burning are regulated under state law and basically prohibit visible emissions.

MDE’s permit process is of a public nature, and there are opportunities for public hearings if so requested by the general public or concerned citizens. As part of the state’s permit process, the applicant is required to demonstrate that the facility will not create a nuisance or health impact when operated.

With the funeral home being located on approximately 4.68 acres of land, and the neighboring properties being situated on larger estate lots within the R-E Zone, adequate separation does exist between the uses. All of the woodland being retained on the site is situated along, and adjacent to, the three property lines where the site abuts residential uses. The abutting single-family homes appear to be well screened from the subject property due to mature woodland that exists on their own parcels, as well as the subject property.

The applicant asserts that the proposed addition of a crematory and chapel to the interior of the expanded structure on the property should not adversely affect the character of the neighboring properties, since the same business will be transacted on the site. The funeral home has been in operation on the property since the time it was initially constructed in 1999 pursuant to the approval of Special Exception SE-4283. Based on the findings and conclusions of the submitted impact analysis study and the need for the applicant to demonstrate annual compliance with all applicable regulations through the state’s required permit process, staff is of the opinion that the uses will not adversely affect the character of neighboring properties.

(5) The use shall not create undue traffic congestion.

Comment: A traffic study was submitted to the Planning Department in 1997 in support of the previous Special Exception Application, SE-4283. The traffic study found that the MD 3/MD 450 intersection was the closest intersection that would be impacted by the

proposed development. At that time, the study ultimately determined that the critical intersection of MD 3/MD 450 was operating at acceptable levels-of-service during both peak hours.

In February of 1998, a Preliminary Plan of Subdivision (4-97112) was filed for the subject property. As part of that application, an evaluation for transportation adequacy was conducted. The results of that analysis showed the development having only a marginal impact on the critical intersection of MD 3/MD 450. That finding was based primarily on the fact that the services provided at the facility were likely to occur outside traditional peak periods.

In reviewing the current special exception application, the Transportation Planning Section, in a memorandum dated April 14, 2010, found that funeral services will continue to operate outside of peak hours and consequently, the impact on traffic operations will continue to be marginal.

- H. **Specific Special Exception Requirements for a Cemetery or Crematory:** Section 27-341 of the Zoning Ordinance permits a cemetery or crematory subject to the following:

A cemetery (including an animal cemetery) or a crematory may be permitted, provided that the use shall not be located within any proposed street or other public right-of-way, notwithstanding Section 27-259.

Comment: The property consists of approximately 4.68 acres, none of which is located within the limits of a proposed street or other public right-of-way.

- I. **Parking and Loading Requirements:** Section 27-568(a) of the Zoning Ordinance sets forth the parking requirements for all uses that are proposed on the site. A funeral parlor requires one parking space for every four persons, based on the legal occupancy of the rooms used for viewing and funeral services. The plan submitted demonstrates that the legal occupancy of the viewing rooms is 400 people. Therefore, a total of 100 parking spaces are required for the use of the funeral home. The legal occupancy of the funeral home and the parking required for the use has remained unchanged since the previous Special Exception, SE-4283, was approved for the property on February 2, 1998.

A church, or similar place of worship is required to have one parking space for every four seats in the main auditorium, plus one parking space for every four seats in other rooms occupied at the same time as the main auditorium. The plan submitted demonstrates that 258 seats are proposed within the new building addition for the chapel. Therefore, a total of 65 parking spaces are required to serve the proposed chapel.

There are no specific parking requirements within Part 11 of the Zoning Ordinance for crematories.

The total parking requirement for the existing funeral home is 100 spaces, which is based on a legal occupancy of 400 persons in rooms used for viewing and funeral services. The new chapel that is being proposed will have a total of 258 seats and will require 65 additional parking spaces to be available on the site at all times. Based on the applicant's proposal, a total of 165 parking spaces would now be required on the property. The revised site plan submitted for this application demonstrates that a total of 168 parking spaces will be provided on the site.

Two loading spaces are currently provided on the site to serve the existing funeral home. One additional loading space is now required on the property to serve the proposed crematory. There are no loading space requirements for institutional uses that are less than 10,000 square feet in size. Therefore, loading spaces are not required for the proposed 5,100-square-foot chapel. The three loading spaces that are required on the property have been properly reflected on the submitted plan.

- J. **Requirements of the Prince George's County Landscape Manual:** The property is fully subject to the requirements of the *Prince George's County Landscape Manual*. Detached single-family dwellings abut the subject property along the northern, southern, and western property lines, and the right-of-way of southbound MD 3 abuts the site along the eastern property line. The uses proposed consist of a funeral home, a chapel, and a crematory. All three uses are designated as medium impact uses in accordance with Section 4.7 of the Landscape Manual, and all structures on the site are required to be set back a minimum of 40 feet from the abutting residentially-zoned properties. Within the 40-foot-wide building setback, 30-foot-wide landscaped bufferyards are required to be established and preserved along the northern, southern, and western property lines. The landscaped bufferyards and building setbacks that are required by the Landscape Manual will help to maintain separation and provide visual screening between the uses on the property and the surrounding single-family dwellings.

Although the Landscape Manual requires a 40-foot building setback to be established from the abutting residentially-zoned land, the specific special exception requirements contained within Section 27-357(a)(1) of the Zoning Ordinance requires all funeral parlors and accessory structures associated with these uses to be set back no less than 50 feet from any surrounding residentially-zoned land. The site plan submitted by the applicant correctly shows minimum side and rear setbacks that are no less than 50 feet from the abutting residentially-zoned properties.

At the time of the previous Special Exception Application (SE-4283) in 1998, the site was fully subject to the requirements of the Landscape Manual. Both the previously approved special exception site plan and the previously approved Type I Tree Conservation Plan (TCPI/37/97) demonstrated compliance with the requirements of the Landscape Manual, including the required landscape strip along MD 3 (Section 4.2), interior green area requirements within the parking compound (Section 4.3), and the required 30-foot-wide landscape strips along the side and rear property lines to buffer the adjacent, residentially-zoned properties (Section 4.7). A site inspection was conducted by staff on July 27, 2009. The landscaped strips and bufferyards that were required in accordance with the previously approved special exception plan are still in place on the property, and appear to be extremely well maintained. Consistent with the previously approved plan, the majority of plant materials that will be used to buffer the abutting residential uses will consist of mature woodland that will be retained on the site.

The previously approved special exception site plan did not reflect the ten-foot-wide public utility easement (PUE) that was recorded on the property in accordance with Final Plat VJ 183 @ 72. The utility companies require public utility easements to be established, continuously and adjacent to public rights-of-way, which are free and clear of all obstructions including landscaping and signage. As a result, the ten-foot-wide landscape strip that was shown directly abutting the MD 3 right-of-way on the previous approved plan, was ultimately constructed behind the ten-foot-wide public utility easement at the time of building permit. This would appear to explain why the landscape strip shown on the current plan is set back ten feet farther on the property than what was previously demonstrated on the approved special exception plan.

- K. **Zone Standards:** All Zoning Ordinance requirements for lot coverage, lot widths, and building setbacks have been fully complied with, and no variances from these regulations are necessary in order to implement the special exception.
- L. **Sign Regulations:** The Permit Review Section did not evaluate the application for conformance to sign regulations within their August 10, 2009 memorandum. The previous approved special exception site plan for this property did demonstrate a freestanding sign that was proposed along the northeastern portion of the property. The sign was set back ten feet behind the ultimate right-of-way line of MD 3, and situated directly behind the required ten-foot-wide landscape strip. The new site plan that was submitted for this application indicates that the existing sign is set back only five feet behind the ultimate right-of-way of MD 3, and is located within the limits of the recorded ten-foot-wide public utility easement. Both the previous approved special exception site plan and the current plan submitted for this application designate MD 3 as having an ultimate right-of-way width of 80 feet along the southbound travel lanes. Therefore, the change in the sign location on the property does not appear to have resulted from any additional expansion of the MD 3 right-of-way.

The existing sign does not conform to the setback requirements within Part 12 of the Zoning Ordinance, and in its current location, is encroaching into the ten-foot-wide public utility easement that is recorded along the frontage of the property. In order to address this deficiency, the applicant has provided a general note on the revised plan stating that the existing sign will be relocated to the same location that was shown on the approved site plan for Special Exception SE-4283. A condition has also been established as a part of this report to require the final location and sign details for the freestanding sign to be properly reflected on the special exception site plan prior to any certification.

M. **Referral Comments:**

City of Bowie—The site is not located within the limits of any municipality. However, the property is situated approximately one mile from the City of Bowie. All plans that were submitted for the subject application were forwarded to the City’s Planning Department for review, along with copies of each referral memo that was generated for the case. An on-site meeting and site inspection was conducted with the City’s Planning staff on July 27, 2009.

The Bowie City Council has determined that they will not be conducting public hearings concerning the application. No formal comments were submitted by the City for this application.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated August 17, 2009, DPW&T concluded that this application does not impact any county-maintained roadways. Stormwater Management Concept Plan 17052-2009-00 was approved for this property on August 17, 2009. A revision to the approved stormwater concept plan will be required in order to reflect the additional parking compound that is now shown on the revised special exception site plan.

Prince George’s County Health Department, Division of Environmental Health—In a memorandum dated December 17, 2009, the Environmental Engineering Program offered the following comments:

The existing boundaries of the sewage disposal recovery area appear to be the same as originally approved in 1998. On November 16, 2009, the recovery area was calculated by the Environmental Engineering Program, and the required area was determined to be 14,368 square feet. The area will support another 1.5 replacement sewage disposal systems in the future.

The applicant proposes a new location for the septic tank, but is unsure at this time whether the existing septic tank will be relocated or whether a new septic tank will be installed. Prior to any work commencing, the applicant must contact the Environmental Engineering Program to obtain a sewage disposal system permit. An elevation profile that demonstrates that gravity fall can be achieved from the new tank location to the existing distribution box will be required at the time of permit.

Maryland Department of the Environment (MDE)—In an e-mail dated September 2, 2009, MDE stated that their permitting process for the proposed crematory would not begin until the applicant demonstrates that local zoning approval has been obtained. MDE will require a one-time permit to construct the crematory, and permits must be renewed annually by the agency in order to operate the crematory. MDE's permit process is of a public nature, and there are opportunities for public hearings if requested by the general public or concerned citizens. As part of the state's permit process, the applicant is required to demonstrate that the facility will not create a nuisance or health impact when operated.

Department of Environmental Resources (DER)—No comments were received for this application from the Department of Environmental Resources.

State Highway Administration (SHA)—Within their referral memo, SHA offered no comments on the application. Frontage improvements along MD 3, including the installation of acceleration and deceleration lanes across the property's entire street frontage, were already constructed pursuant to the conditions of Preliminary Plan 4-97112, approved by the Planning Board on February 5, 1998 (see Condition 6 of PGCPB Resolution No. 98-25). The frontage improvements along MD 3 were required to be permitted and approved for construction by SHA prior to the issuance of any building permit for the funeral home. SHA has not requested any additional improvements to the MD 3 right-of-way at this time.

Environmental Planning Section—In a memorandum dated April 16, 2010, the Environmental Planning Section provided the following comments for consideration and recommended approval of SE-4662 and TCPII/08/98-01 subject to one condition.

Background

This site was previously reviewed by the Environmental Planning Section with approved Special Exception SE-4283 and Type I Tree Conservation Plan TCPI/37/97 for the existing funeral home use. A Type II Tree Conservation Plan, TCPII/08/98, was approved by the Environmental Planning Section on April 10, 2009. The current application requests a special exception for the new addition of a 3,560-square-foot crematory, a 5,100-square-foot chapel, and a 1,680-square-foot detached garage.

Site Description

According to mapping research and information submitted by the applicant, streams, wetlands, and 100-year floodplain are not found to occur on this property. The site has frontage on MD 3, a master planned freeway that is regulated for noise; however, due to the proposed commercial use, noise is not an issue in relation to the subject site. The existing use as a funeral home and the proposed additional uses of a crematory and chapel are not anticipated noise generators. The

predominant soils found to occur on the site, according to the *Prince George's County Soil Survey*, are in the Collington soil series. According to available information, Marlboro clay does not occur on or in the vicinity of the site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near the subject property. There are no designated scenic and historic roads within the vicinity of this application. The property is located in the Middle Patuxent River watershed of the Patuxent River basin, and is in the Rural Tier as reflected in the adopted General Plan. According to the Approved Countywide Green Infrastructure Plan, the site contains evaluation areas and network gaps.

Previous Zoning Approvals

Special Exception SE-4283: The District Council granted approval of Special Exception SE-4283 on February 2, 1998. There were no conditions of approval.

Conformance with Required Findings for a Special Exception

The required findings for approval of a special exception are provided within Section 27-317 of the Zoning Ordinance. The required findings which are environmental in nature are indicated in **bold** and the comments are provided in regular type.

(a) A Special Exception may be approved if:

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

Comment: The proposed special exception is in conformance with the environmental provisions of the General Plan, the area master plan, and the Countywide Green Infrastructure Plan noted herein.

- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

Comment: The proposed use is subject to county and state regulations related to environmental management and safety. With regard to the land use issues that are the subject of this case, the Environmental Planning Section staff recommends that the Planning Board find conformance with Subtitle 27.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Comment: The approved Type II Tree Conservation Plan (TCPII/08/98) was submitted and was found to meet the requirements of the Woodland Conservation Ordinance.

Environmental Review

1. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has previously approved tree conservation plans; Type I Tree Conservation Plan TCPI/37/97 and Type II Tree Conservation Plan TCPII/08/98-01.

The approved Type II Tree Conservation Plan (TCP/08/98) was submitted and was found to meet the requirements of the Woodland Conservation Ordinance.

The woodland conservation threshold (WCT) for this 4.68-acre property is 25 percent of the net tract area or 1.17 acres. The total woodland conservation requirement based on the amount of clearing proposed is 1.93 acres. As currently shown on the plans, the woodland conservation requirement is proposed to be satisfied by 1.21 acres of on-site preservation, 0.08 acre of reforestation, 0.15 acre of afforestation, and 0.49 acres of fee-in-lieu.

Comment: No revisions are required for conformance to the TCP.

2. The approved stormwater management concept letter and plan were submitted on September 3, 2009. The concept proposes the use of infiltration for water quality controls and no water quantity controls are required. No outfalls are proposed.

Comment: A revision to the approved stormwater management concept plan will be required in order to reflect the additional parking compound that is now shown on the revised TCP.

3. The site has frontage on MD 3, a master planned freeway that is regulated for noise; however, due to the proposed commercial use, noise is not an issue in relation to the subject site. The existing funeral home use and the proposed additional uses of a crematory and chapel are not considered to be noise generators.

Comment: No additional information is required with regard to noise.

4. The proposed use as a crematory may appear to have adverse impacts on air quality. The justification statement, stamped as received on August 10, 2009, provides information on the type of crematory proposed for installation and the emissions rates. An emissions comparison chart was attached to the justification statement to provide a comparison, and to visually show that the emissions from the proposed crematory will be lower than other general uses, such as a residential fireplace, diesel truck, and a restaurant.

It should be noted that emissions from crematories are regulated by the state. Emissions standards must be met under the state-issued permit, which is required to be renewed annually.

Comment: No additional information is required with regard to air quality.

Subdivision Review Section—In a memorandum dated September 18, 2009, the Subdivision Section offered the following comments concerning the special exception application.

The property is known as Parcel A and consists of approximately 4.68 acres. A final plat of subdivision for the property (5-98094) was recorded in Land Records on June 25, 1998 as VJ 183 @ 72. The property was the subject of Preliminary Plan 4-97112, approved by the Planning Board on February 5, 1998 with six conditions. The resolution of approval (PGCPB Resolution No. 98-25) was adopted by the Planning Board on February 26, 1998. The following condition applies to the special exception application:

- 1. Development of this subdivision shall be in compliance with the approved Type-I Tree Conservation Plan (TCP I/37/97). The following note shall be placed on the Final Plat:**

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/37/97), 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/Tree Preservation Policy and Subtitle 25.

Comment: The Subdivision Section has recommended that the subject application be reviewed by the Environmental Planning Section for conformance to the Type I TCP. Since the time the above condition was adopted by the Planning Board in conjunction with Preliminary Plan 4-97112, a Type II Tree Conservation Plan, TCPII/08/98, has been approved for the property. The Type II TCP was approved by the Environmental Planning Section on April 10, 2009. The Type II TCP did include the new development being proposed under the subject special exception application. However, the plan was further revised during the special exception process to include an additional parking compound along the western portion of the site.

Within the findings of the adopted resolution for Preliminary Plan No. 4-97112 (PGCPB Resolution No. 98-25), there is discussion about anticipated traffic for the site. The finding states that the amount of traffic anticipated by the development of the subject property was determined to impact the intersection of MD 450 and MD 3. The intersection was found to be operating at a Level of Service (LOS) D or better, when analyzed with total future traffic using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." After reviewing the adopted resolution for Preliminary Plan 4-97112, the Subdivision Section concluded that PGCPB Resolution No. 98-25 did not include a trip cap for the site.

The Subdivision Section has recommended that the subject application be reviewed by the Transportation Planning Section for any traffic impact above and beyond that discussed within the findings of PGCPB Resolution No. 98-25. The application was referred to the Transportation Planning Section and their comments are provided below.

Transportation Planning Section—The Transportation Planning Section initially reviewed the application on January 11, 2010. A second review was conducted on April 14, 2010 in response to revised plans being submitted by the applicant. On November 24, 2009, the applicant filed a companion Departure from Parking and Loading Standards application, DPLS-350, which requested that 48 of the required number of parking spaces that are necessary to serve the uses on the site be waived. The departure application was requested by the applicant due to a deficiency in the number of provided parking spaces. Since the time the departure application was accepted for processing, revised plans have been submitted by the applicant that propose the construction of an additional parking compound to serve the property. With this additional parking area, the total number of required parking spaces will be fully provided on the site, and there is no longer a need to process the companion departure application. The departure application, DPLS-350, was subsequently withdrawn by the applicant on April 20, 2010, prior to the public release of the technical staff report.

The Transportation Planning Section provided the following comments concerning the special exception and departure applications:

The applicant is seeking authorization to expand the existing funeral parlor facility. The current facility is located on the west side of Crain Highway (MD 3), approximately one-half mile south of the intersection of MD 450 with MD 3. The applicant's statement of justification indicates that the existing 10,256-square-foot facility would be expanded to include a 3,560-square-foot crematory, a 5,100-square-foot chapel, and a 1,680-square-foot detached garage.

In February 1998, a Preliminary Plan of Subdivision (4-97112) was filed for the subject property. As part of that application, an evaluation for transportation adequacy was done by the then applicant. The results of that analysis showed the development having only a marginal impact on the critical intersection. That finding was based primarily on the fact that the services provided at the facility are likely to occur outside traditional peak periods.

Regarding the pending operation, the Transportation Planning Section finds that funeral services will continue to operate outside peak hours and consequently, the impact on traffic operations will continue to be marginal.

In January 2010, staff's review of the applicant's statement of justification indicated that there will be a deficiency in the number of provided parking spaces. Some of that deficiency is attributable to the proposed expansion. One of the required findings for a DPLS application is that the needs of adjacent residential areas will not be infringed upon should the departure be granted. The closest residential street to the subject property is Sylvan Drive, a county-maintained 20-foot paved road within a 50-foot right-of-way. Sylvan Road is approximately 700 feet south of the site's point of egress. In the event that all of the on-site services are occurring with maximum participation from customers, then the possibility exists that customers will be forced to park off-site.

The two likely areas for off-site parking would be along the shoulders of MD 3 or along Sylvan Drive, some 700 feet away. Both off-site parking scenarios could be problematic. Given the high speeds that are observed along MD 3, coupled with the fact that portions of the shoulder function as a deceleration lane, attempting to park along MD 3 could potentially be dangerous. While Sylvan Drive may be 700 feet away from the site, it is still within the comfortable walking range for many drivers. However, with the pavement along Sylvan Drive being only 20 feet in width, that roadway is not conducive to additional parking.

Subsequent to the January 2010 review of the applicant's site plan, the applicant submitted a revised plan dated March 22, 2010. In this revised plan, the applicant proposes an expansion of the existing parking compound. With the expansion of the existing parking lot, a total of 168 parking spaces will be provided on the site. Based on the County code, only 165 parking spaces are required to serve the proposed uses.

With the applicant now providing 100 percent of the required number of parking spaces on the site, there is no longer a need for the submitted DPLS application. As a result, the companion DPLS application (DPLS-350) was withdrawn by the applicant on April 15, 2010.

Staff would also note that the site plan incorrectly refers to the MD 3 right-of-way as being US 301. The plan should be revised to re-designate Crain Highway as MD 3.

Urban Design Section—The Urban Design Section initially reviewed the subject application on January 6, 2010. At that time, revisions were requested to the architectural design of the proposed building addition for the chapel and crematory. In response to the Urban Design Section’s comments, the applicant submitted revised architectural elevations for review on May 27, 2010. The revised architectural elevations were reviewed by the Urban Design Section on June 7, 2010 and their comments are provided below:

Introduction

The Urban Design Section has reviewed the information provided in support of the special exception application. This referral revises previous comments submitted by the Urban Design Section dated January 6, 2010. The subject property consists of approximately 4.68 acres and is zoned R-E (Residential Estate). The site is currently improved with a 10,256-square-foot building used as a funeral home. The site is bounded to the west and north by existing single-family detached residences in the R-E Zone, to the east by Robert Crain Highway (MD 3), and to the south by a single-family detached residence in the R-E Zone. A special exception was approved for an animal hospital on the adjoining property to the south (Lot 17); however, a use and occupancy permit was never issued for this use and the property continues to be used as a single-family detached residence.

Applicable Regulations

The project is subject to the following sections of the Zoning Ordinance: Section 27-427, R-E Zone; Section 27-441, Uses Permitted in Residential Zones; Section 27-442, Regulations in Residential Zones; Section 27-317, Required Findings for a Special Exception; Section 27-357, Additional Requirements for a Funeral Parlor or Undertaking Establishment; and Section 27-341, Additional Requirements for a Cemetery or Crematory. The site is subject to the requirements of Sections 4.2, Commercial and Industrial Landscape Strip; 4.3(a), Parking Lot Landscaped Strip; 4.3(c), Parking Lot Internal Green; 4.4, Screening; and 4.7, Buffering Incompatible Uses of the Landscape Manual.

Requirements of the Zoning Ordinance

Special Exception: Section 27-357(a)(4) of the Zoning Ordinance sets forth the following required finding for a special exception for a funeral parlor or undertaking establishment:

(4) The use shall not adversely affect the character of neighboring properties; and

The existing, one-story funeral home building is consistent with the residential character of adjacent properties. The revised architecture is a marked improvement from the original architecture presented. The revised addition, which will be highly visible from MD 3, is more compatible with the architectural style and scale of the existing building. While the two-story (34 feet, 7 inches in height) addition is much taller than the existing one-story (14 feet, 7 inches in height) building, the transition between the two is improved; and the materials and fenestration pattern are generally consistent with the existing building.

The elevation drawings submitted do not appear to match the building footprint that is shown on the special exception site plan, and numerous building elements and materials are not properly labeled. Final plans should be submitted which accurately depict and clearly label proposed building elements and finish materials, including irregular windows, trim, siding, and roofing materials. Elevation drawings should be in color, should identify all proposed and existing materials, and should demonstrate the connection to the existing building.

It should be specified that the materials to be used in the addition will be the same color as that used on the original building. Though it may have been a drafting/CAD problem, the main color utilized on the elevation drawings for both the existing and proposed buildings appears to be a yellow brick, while photographs of the existing building reflect an orange-colored brick. The size of the proposed building addition that is shown on the revised elevations should match the building footprint that is reflected on the special exception site plan.

There appears to be one additional drafting area on the front elevation. The detail above the main entry doors of the proposed addition is off-center. Before plans are certified, this design element should be corrected.

Prince George's County Landscape Manual

The subject application is in conformance with the applicable sections of the Landscape Manual.

Urban Design Staff Conclusion

Based on the above analyses, the Urban Design Section finds that the revised elevation drawings are a clear improvement from the original submission. All existing and proposed materials used still need to be clearly labeled. A note should be placed on the elevation drawings which states that the materials used in the addition will be the same color as that used on the original building. The detail above the main entry doors of the proposed addition should be centered prior to plan certification. There are no other Urban Design issues at this time.

Community Planning North Division—In a memorandum dated December 14, 2009, the Community Planning North Division provided the following recommended strategies for implementing the General Plan's policies to retain the rural character of the Rural Tier.

The following strategies from the 2006 approved Bowie and vicinity master plan (pp. 7–8) would apply to the subject application:

- Policy 1, Strategy 4. c. Preservation of existing vegetation or the installation of landscaping should be provided to soften and buffer views of houses and other structures.**
- Policy 1, Strategy 4. d. Architecture should conform to the prevailing rural style, including such elements as roof lines and pitch, entrance drives, porches, lighting and building materials. Brick, stone and wood are encouraged building materials. Vinyl and aluminum siding are discouraged.**
- Policy 1, Strategy 4. j. The use of full cut-off optic light fixtures should be encouraged for all new developments, including both on-site and street lighting.**
- Policy 2, Strategy 1 Minimize adverse impacts of development on sensitive environmental features through the implementation of the Green Infrastructure Plan.**
- Policy 2, Strategy 3 No off-site mitigation for woodland conservation should be allowed unless the site subject to the "Woodland Conservation and Tree Preservation" ordinance is substantially devoid of trees prior to development.**

No historic resources were identified on the subject property. The Sacred Heart Church, Whitemarsh and Cemetery, a designated historic site (71A-019) and Williams Plains, a designated historic site on the National Register (71B-003), are approximately one-third of a mile away from the subject property.

Access to the site is provided via Crain Highway (MD 3). Crain Highway is proposed for expansion to six to eight lanes between Anne Arundel County and US 50. Future southbound travel lanes are proposed to be built through the existing median area north of Forest and Sylvan Drives.

Permit Review Section—In a memorandum dated November 30, 2009, the Permit Review Section requested that the parking schedule on the previously submitted plan be revised to reflect the correct number of van parking spaces provided for the physically handicapped. Five van spaces for the physically handicapped were previously labeled on the previously submitted plan. However, the parking schedule indicated that four standard handicapped spaces were being provided at 13 feet by 19 feet, and one van-accessible handicap space was being provided at 16 feet by 19 feet.

The Permit Review Section has also requested that General Notes 23(f) through 23(h) on the submitted site plan be revised to include the provided setbacks, and that the application be reviewed by the Urban Design Section for conformance to Sections 4.2, 4.3, 4.4, and 4.7 of the Landscape Manual.

Comment: The Urban Design Section has reviewed the submitted plans and they have found the site to be in general conformance with the requirements of the Landscape Manual. The applicant has already addressed a majority of the comments that were generated from the Permit Review Section through the submission of revised plans. The parking schedule has been revised to correctly indicate the number and types of provided parking spaces for the physically handicapped. Staff has further attached a condition requiring the site plan to be revised to include the provided setbacks within General Note 23 prior to certification.

Trails Section—The adopted and approved Bowie and vicinity master plan recommends a trail along MD 3, north of US 50. Currently, MD 3 is an open section roadway with paved shoulders within the vicinity of the subject property. No sidepath construction currently exists within this area, or to the north along MD 3. It is envisioned that a sidepath will be provided as a part of the comprehensive road improvement project for MD 3. This trail will ultimately link Bowie with Crofton and Odenton in Anne Arundel County. No trail construction is recommended for this application as the trail will be implemented comprehensively for the MD 3 Corridor as part of a larger road improvement project. There are no master plan trails recommendations for the subject application.

Historic Preservation Section—In a memorandum dated August 17, 2009, the Historic Preservation Section concluded that the proposed development will have no effect on identified historic sites, resources, or districts.

N. **Required Findings—Special Exception**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

Comment: The purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety, and welfare of County inhabitants and to promote compatible land use relationships. Within the submitted statement of justification, the applicant asserts that “a funeral home has operated continuously on the property from 1999 to the present and the proposed addition of a crematory and chapel are uses that are compatible and harmonious with the function of a funeral parlor business.” The proposed uses and accompanying site plan, in conjunction with the recommended conditions, are in harmony with the purposes of this Subtitle.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

Comment: The property is fully subject to the requirements of the *Prince George’s County Landscape Manual*. The landscaped bufferyards that are required in accordance with Section 4.7 and the ten-foot-wide commercial landscaped strips that are required in accordance with Sections 4.2 and 4.3(a) have been in place on the site since the time the funeral home was initially constructed in 1999. A site inspection conducted on July 27, 2009, revealed that the existing landscaping is in very good condition and all plant materials previously installed on the property in order to comply with the requirements of the Landscape Manual have been extremely well maintained by the property owner. The Urban Design Section has reviewed the submitted plans and found the subject application to be in substantial conformance with the applicable sections of the Landscape Manual.

All Zoning Ordinance requirements for lot coverage, building setbacks, building height, and parking and loading spaces have been fully complied with, and no variances from these regulations are necessary in order to implement the special exception.

The specific special exception findings contained in Section 27-357(a) of the Zoning Ordinance requires all funeral parlors or undertaking establishments to be set back a minimum of 50 feet from residentially-zoned land, and to be located on property that consists of a minimum of one and one-half contiguous acres when the use is situated within a residential zone. The subject property consists of 4.68 acres in the R-E Zone and the submitted site plan properly demonstrates the required 50-foot setback from the abutting residentially-zoned properties.

A Type II tree conservation plan was approved by the Environmental Planning Section on April 10, 2009 and Stormwater Management Concept Plan 17052-2009-00 was approved by DPW&T on August 17, 2009. The approved plans have addressed the woodland conservation and stormwater management requirements for the new development being proposed through the subject special exception application. A revision to the approved stormwater management concept plan will be required since an additional parking lot is now proposed that was not reflected on the previously approved stormwater management concept plan. With the recommended conditions, the proposed uses will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan.

The master plan for this area is the Bowie and vicinity approved master plan & sectional map amendment (February 2006). The Environmental Planning Section has reviewed the application and found it to be in conformance with the goals, policies, and strategies within the Environmental Infrastructure Section of the master plan.

Prior Special Exception SE-4283 was approved on February 2, 1998 for the existing 10,256-square-foot funeral parlor. At that time, the District Council found that the use would not substantially impair the master plan.

The proposed crematory and funeral home are in general conformance with the rural land use recommendations within the 2006 approved Bowie and vicinity master plan, and will not therefore substantially impair the integrity of any validly approved master plan or the General Plan.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

At the time of the previous special exception application in 1998, the applicant was required to demonstrate that the proposed funeral home would not adversely affect the health, safety, or welfare of residents or workers in the area. The funeral home has now been in operation on the property for over ten years and staff is not aware of any adverse affects on the health, safety, or welfare of residents or workers in the area that would pertain to the use throughout that time period. A chapel is a use that is permitted by right in the R-E Zone, provided that the land the use is located on exceeds two acres in size.

The applicant has provided a great deal of information within their statement of justification regarding the proposed crematory and the performance and emissions standards of the cremation equipment that they are proposing to use. Crematories are regulated by the Maryland Department of the Environment (MDE), and the agency's permit process will not begin until the applicant demonstrates that local zoning approval has been obtained. MDE will require a one-time permit to construct the crematory, and permits must be renewed annually by the agency in order to operate the crematory. MDE's permit process is of a public nature, and there are opportunities for public hearings if requested by the general public or concerned citizens. As part of the state's permit process, the applicant is required to demonstrate that the facility will not create a nuisance or health impact when operated.

The applicant has submitted an emissions comparison chart that provides a graphical presentation of the emissions output of the proposed crematory, and its comparison to a diesel truck, a residential fireplace, and a restaurant. There are no local zoning codes that specifically regulate the emissions output for crematories. However, in order to obtain approval of any special exception use, the applicant must demonstrate that the use will not adversely affect the health, safety, or welfare of residents or workers in the area, or be detrimental to the use or development of adjacent properties or the general neighborhood.

Within the submitted statement of justification, the applicant provides the following information in support of the proposed crematory use:

“Emissions from the burning are regulated under state law and basically prohibit visible emissions and limit particulate matter content to no more than 0.03 grams per standard cubic foot. Due to the vigorous testing standards that are followed by the equipment manufacturer, residents of the area will not be aware that the equipment is operating. Environmental improvements made over the last several decades allow cremation equipment to operate without smoke or odor. Ninety-two percent (92%) of human crematories and the majority of pet crematories are located in businesses that are situated within residential or commercial areas to better serve the communities they are located in.

“The performance and emissions standards for cremation equipment have become environmentally compliant over the past several decades. By comparison, an IEE/ALL Cremator, like the one contemplated by the applicant for installation on the subject property, has a much lower emissions rate per hour in particulate matter, nitrogen oxides, and volatile organic compounds than a residential fireplace, diesel truck, or a restaurant cooking one hundred (100) hamburgers an hour. Similarly, the cremator produces less emissions output of both carbon monoxide and hydrocarbons than a diesel truck or automobile.

“With its current use as a funeral parlor, the applicant’s desire it to extend the existing structure on the property to include a crematory and chapel. Currently, all cremations have to be sent out to Baltimore, preventing members of certain nationalities and religious backgrounds from witnessing the cremation.”

The state’s required permit process for the installation and annual operation of the cremation equipment is designed to ensure that air purity standards within the vicinity of crematories are maintained. The applicant further asserts that, due to the vigorous testing standards followed by the equipment manufacturer, Matthews Cremation Division, residents of the area will not be aware that the equipment is operating. Through the MDE’s permit process, the applicant will be required to annually demonstrate that they are in full compliance with all applicable air emissions standards and requirements. Therefore, staff believes that the state’s permit process, which requires an applicant to demonstrate that a facility will not create a nuisance or health impact when operated, will ensure that the use will have no adverse affects on the health, safety, or welfare of residents or workers in the area.

An evaluation for transportation adequacy was performed in February 1998 in conjunction with prior approved Preliminary Plan 4-97112. The results of that analysis showed the development having only a marginal impact on the critical intersection of MD 450/MD 3. That finding was based primarily on the fact that the services provided at the facility are likely to occur outside the traditional peak periods. In reviewing the current special exception application, the Transportation Planning Section finds that funeral services will continue to operate outside the peak hours and consequently, the impact on traffic operations will continue to be marginal.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

A majority of the adjacent properties have already been developed with single-family homes. The adjacent residential uses appear to be well screened from the subject property due to the mature woodland that exists on their own parcels, as well as the subject property. The total woodland

conservation requirement for this property, based on the amount of clearing proposed, is 1.93 acres. As currently shown on the plans, the woodland conservation requirement is proposed to be satisfied with 1.21 acres of on-site preservation, 0.08 acre of reforestation, 0.15 acre of afforestation, and 0.49 acre of fee-in-lieu. All of the woodland being retained on the site is situated along, and adjacent to, the three property lines where the site abuts residential uses. The woodland preservation areas and the required landscaping will adequately buffer the proposed development on the site from the adjacent single-family homes.

The applicant is proposing a chapel with a maximum of 258 seats. Typically, a chapel is a use that is allowed by right in the R-E Zone when it is situated on property that exceeds two acres in size. There is an existing church located approximately 750 feet south of the subject property at the nearby intersection of MD 3 and Sylvan Drive. The existing church is situated at the entrance of the Forest Hills Subdivision, which is the closest residential subdivision within the immediate area of the site. The subject property shares three common property lines with the Forest Hills Subdivision, with the only exception being the site's street frontage along MD 3. The development of the existing church within the immediate surrounding neighborhood has not been detrimental to the use or development of the adjacent properties or the general neighborhood. The review of current aerial photographs demonstrates that all of the surrounding properties have already been developed.

Crematories are highly regulated by the state and are required to demonstrate compliance with air quality and emissions standards annually in order to operate. The MDE will not accept a building permit for the proposed crematory until the applicant demonstrates that local zoning approval has been obtained for the use. The state requires a one-time permit to construct the crematory, and permits must be renewed annually to operate the crematory. Through the state's permit process, the applicant will be required to demonstrate that the crematory will not create a nuisance or health impact when operated.

The previously approved special exception application for this property, SE-4283, found that with the exception of those few hours a day when viewing and funeral services are underway, activity around a funeral parlor is generally minimal. The funeral parlor has been in operation on this site since approximately 1999, and has had no detrimental effects on the development of adjacent properties or the general neighborhood throughout that time period. The review of aerial photographs taken between the years of 1999 and 2009 demonstrate that additional residential development has occurred around the funeral home within the last ten years. It appears that a majority, if not all, of the surrounding properties have already been improved with detached single-family dwellings. Therefore, the proposed new uses of a crematory and chapel, and the continuation of the existing funeral home use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

A Type I Tree Conservation Plan, TCPI/37/97, was approved for the subject property by the Planning Board on February 5, 1998 in conjunction with their approval of Preliminary Plan 4-97112. Type II Tree Conservation Plan TCPII/08/98 was approved by the Environmental Planning Section on April 10, 2009. The Type II tree conservation plan included the new development being proposed through the subject special exception application. Therefore, the proposed site plan is in conformance with an approved tree conservation plan.

CONCLUSION:

The applicant has met its burden of proof in this instance. Based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application No. SE-4662, subject to the following conditions:

1. Prior to certification, the following revisions shall be made to the site plan:
 - a. Update the lot coverage calculations within General Note 24(d) to include the additional parking compound along the western portion of the site.
 - b. Revise General Notes 23(f) through 23(h) to include the provided setbacks.
 - c. Designate Crain Highway as MD 3 and remove any references to US 301.
 - d. Label the van parking spaces that are provided for the physically handicapped.
 - e. Sign details for the existing freestanding sign shall be added to the site plan.
2. Full cut-off optic light fixtures shall be used for all proposed exterior lighting.
3. The existing freestanding sign shall be relocated behind the ten-foot-wide public utility easement (PUE) that runs continuous and adjacent to MD 3, or evidence shall be provided that a departure from sign design standards application has been approved for the existing sign location. The final location for the freestanding sign shall be demonstrated on the site plan prior to certification.
4. Prior to review by the Zoning Hearing Examiner (ZHE), revised elevation drawings shall be submitted to the Zoning Section that are consistent with the building footprint shown on the special exception site plan. The revised elevations drawings shall be in color and shall demonstrate the connection to the existing building with all proposed and existing finish materials clearly identified, including the irregular windows, trim, siding, and roofing materials. The detail above the main entry doors of the proposed addition shall be centered, and a note shall be placed on the elevation drawings which states that the materials used in the building addition shall be the same color as that used on the original building.
5. Prior to certification of the special exception site plan, two copies of the approved stormwater management concept plan and concept approval letter, signed by DPW&T, shall be submitted to the Zoning Section which reflect the additional parking areas shown on the submitted special exception site plan. The updated stormwater management concept plan approval number and approval date shall be noted on the special exception site plan prior to certification.