

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-371, Embry A.M.E. Church, requesting a waiver of seven parking spaces from seven required parking spaces in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 31, 2012, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a trapezoidal-shaped corner lot located at the southeast corner of Lakeland Road and 51st Avenue in the Lakeland section of the City of College Park. The property consists of approximately 0.35 acres in the R-55 Zone and is currently improved with the 3,665-square-foot Embry AME Church, portions of which date back to 1920. The church is a one-story brick building laid out in an L-shape with its front door facing onto Lakeland Road. The existing building and grounds are well-maintained and attractive. Although there is a curb cut along 51st Avenue, it is not used. There is no on-site parking. Parking is accommodated along Lakeland Road and 51st Avenue, including two spaces for the handicapped along Lakeland Road directly in front of the church entrance. Both roads are signed for three-hour church parking and the City of College Park has made available 50-church parking permits for the congregation's use.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Church	Church
Lots	1	1
Parcels	0	0
Square Footage/GFA	3,665	5,268

C. **History:** The property is known as Parts of Lot 10, Block 3, of the Lakeland Subdivision. The property was the subject of a final plat of subdivision recorded in Liber A, Folio 51, in 1890.

D. **Master Plan and General Plan Recommendations:** The October 1989 and May 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* recommends public or quasi-public land uses on the subject property. The existing and proposed use as a church is in keeping with this land use recommendation. This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification

requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. The proposed addition is well under this limitation at 18 feet in height. There are no master plan issues with regard to these applications.

2002 Approved General Plan: The 2002 *Prince George's County Approved General Plan* locates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

- E. **Request:** The applicant seeks approval of a special exception application to expand the existing church. The addition is proposed to be one-story, 18 feet tall, approximately 1,603-square feet in area, and will be located in the northwestern corner of the existing building. The addition contains offices, bathrooms, and other supporting rooms and will not increase the number of seats in the church's sanctuary, nor the parking requirement for the church. A small shed along the southern property line is proposed to be removed. The applicant has submitted companion variance, departure and alternative compliance applications which are also discussed in this report.
- F. **Neighborhood and Surrounding Uses:** The immediate neighborhood can be generally characterized as residential in nature. It is within the Lakeland section of the City of College Park, a historically African American community largely displaced in the 1960s and 1970s by a series of urban renewal and floodplain improvement projects. The neighborhood boundaries in this case are identified as follows:

North—	Berwyn Road
East—	C-S-X Railroad tracks
South—	Paint Branch Stream
West—	Baltimore Avenue (US 1)

The subject property is surrounded on all four sides by single-family residences in the R-55 Zone. Just to the northwest, diagonally across Lakeland Road, is the First Baptist Church of Lakeland. The surrounding neighborhood is generally residential in nature, consisting of a mix of single-family, townhouse and apartment dwellings. Several churches, an elementary school and a community center are also found. Commercial uses are restricted to the western boundary of the neighborhood, along US 1.

- G. **Parking Regulations and Departure Request:** The plan correctly notes that seven parking spaces are required to serve this use based on seating for 28 persons in the church. The site plan indicates that no on-site parking is provided, as has been the church's custom. A departure from

parking and loading standards is required to address this reduction in parking spaces provided. Section 27-588(b)(7)(A) of the Zoning Ordinance sets forth the following findings to grant a departure from parking and loading standards:

Section 27-588(b)(7)(A) Required Findings

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**
- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
 - (2) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
 - (3) **To protect the residential character of residential areas; and**
 - (4) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District;**

This proposal complies with these purposes. The applicant's proposed addition will not result in increased parking demand since it does not result in additional seating. The restrooms, kitchen, offices and lobby space are necessary to serve the needs of the existing congregation. The church has existed at this site since 1920 and has consistently relied upon on-street parking for many years. It is accommodated with the support of the City of College Park, which provides signage along both Lakeland Road and 51st Avenue for three hour church parking for cars displaying one of 50 permits available to the church members. This arrangement seems to have worked satisfactorily for many decades and eliminates the need for the church to attempt to haphazardly place parking that might otherwise detract from the attractiveness of the site. The parking for the handicapped is directly in front of the entrance, utilizing the shortest, most accessible route to the front doors. The parking for the handicapped, while positioned at the most convenient location to the front door of the church, does not meet the requirements of the Maryland Accessibility Code (MAC) in that it does not provide for an eight-foot wide access aisle or curb cut. In this regard, the State code is more restrictive than Federal ADA requirements, which generally exempt religious institutions from ADA compliance. Because the State law is broader than the Federal mandate, the State offers a waiver process for those sections of the MAC which are more restrictive. In order to be in compliance, the applicant must either provide for fully accessible parking spaces or gain a waiver from the State prior to permit approvals.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

This proposal complies with this purpose. The departure is the minimum necessary considering this proposal calls for an addition which will not increase parking demand. As stated above, this site has been developed since 1920. The site is compact and surrounded by developed lots that do not allow for expansion. The City of College Park has recognized the church's reliance on on-street parking and accommodated it appropriately. Finally, the question of on-site parking is only raised now because of the need for the special exception. The church was built and expanded previously as a permitted use with no question being made of the appropriateness of the parking situation.

- (iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The departure is necessary in order to alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949. The existing church was built and expanded as a permitted use many decades ago, and in fact predates zoning altogether. The shape of the existing church, much less the necessary addition, would make it difficult to place parking on the site in anything but a random manner.

- (iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

All methods of calculating the number of spaces have been explored. There is no alternative but to obtain a departure.

- (v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

Although the surrounding neighborhood is residential in nature, the parking needs of adjacent residences are accommodated through individual driveways. Other than on Sundays during church services, Lakeland Road and 51st Avenue are lightly used for on-street parking by residents. Aggressively enforced resident parking regulations keep down the amount of commercial parking from businesses along US 1 or students from the University of Maryland.

In addition, Section 27-588(b)(7)(B) of the Zoning Ordinance sets forth the following:

- (B) In making its findings, the Planning Board shall give consideration to the following:**
- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

The single-family residences which make up the majority of the surrounding area have driveways. The nearby First Baptist Church of Lakeland has a parking lot to serve its members which is filled to capacity on Sunday mornings.

- (ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

This application conforms to the land use recommendations of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67* for quasi-public uses.

- (iii) The recommendations of a municipality (within which the property lies) regarding the departure; and**

The City of College Park supports this application, having provided for it in accordance with its parking policies.

- (iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

No public parking facilities are proposed in the Prince George's County Capital Improvement Program within the general vicinity of the property.

- (C) In making its findings, the Planning Board may give consideration to the following:**

- (i) Public transportation available in the area;**

There is a Metro bus and County Bus route along University Boulevard. However, given the nature of this use, it is somewhat unlikely that a member would take public transportation to this site.

- (ii) Any alternative design solutions to off-street facilities which might yield additional spaces;**

The size and configuration of the site does not lend itself to an alternative design that would yield on-site parking opportunities.

- (iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**

The church has regular Sunday school and church services on Sunday mornings and prayer services on Tuesday evenings and Wednesday afternoons. However, as stated previously, the proposed addition will not impact the parking situation as it exists today.

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is in the R-55 Zone and multifamily dwellings are not proposed under this application. Consequently, the above section is not applicable to the subject property.

H. **City of College Park:** The City of College Park is in support of this application.

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 above-noted application.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of 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 Shoaff, with Commissioners Squire, Shoaff and Bailey voting in favor of the motion, with Commissioner Hewlett recused, and with Commissioner Washington absent at its regular meeting held on Thursday, May 31, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of June 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 6/12/12