

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 November 20, 2003, regarding Detailed Site Plan DSP-03007 for Mt. Rainier Spanish Church , the Planning Board finds:

1. The subject site consists of approximately 1.68 acres and is located on the west side of Ager Road, northwest of the intersection of Oglethorpe Road and Ager Road. The adjacent properties are as follows:

- Property to the west zoned R-35 has a single-family residence
- Property to the north zoned R-35 has a church
- Property to the south zoned R-18 has multifamily medium density apartments

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-35	R-35
Use(s)	Single-family residence	Church
Acreage	1.82 acres	1.82 acres
Lots	1	1
Parcels	N/A	N/A
Square Footage/GFA	2,058	2,058

The subject site is currently developed with a 1,693-square-foot, single-family residence in the front half of the property and a 728-square-foot, two-story storage building (currently boarded-up) in the rear half of the property. The single-family residence will be converted to a church. The subject property is a flag lot with access on Ager Road. The rear of the property also has access through Oliver Street. Parking is proposed along the rear of the church building in the existing parking area. Access to the parking area is through a driveway along the south property line.

3. The proposed church is a permitted use in the R-35 Zone and requires Detailed Site Plan approval since the church will be located on a lot between one and two acres in size. In addition to the requirements of Section 27-285(b), the following requirements shall be met:
 - The minimum setback for all buildings shall be 25 feet from each lot line.
 - When possible, there should be no parking or loading spaces located in the front yard.

- The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.

In accordance with the above requirements, the applicant has submitted a Detailed Site Plan for the proposed church. The proposal meets the above requirements regarding parking and maximum building coverage but does not meet the minimum 25-foot setback requirements. The applicant has applied for a variance from this requirement. The findings for granting a variance are addressed in Finding 16.

The two-story storage building in the rear of the property is currently being used as a storage building. The applicant has not indicated whether the building will continue to be used as a storage building. A condition of approval has been added to require the applicant to provide information regarding the use of this structure.

4. The proposal is subject to the requirements of Section 4.3 (Parking Lot Requirements) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The proposal does not comply with the requirements of Section 4.7 of the *Landscape Manual*. The applicant has filed an Alternative Compliance application (AC-03007). The Planning Director has recommended approval of the Alternative Compliance application.

The Alternative Compliance memorandum states:

BACKGROUND

“The proposed development is for a church in an existing building. The property line adjoins Ager Terrace, a multifamily, medium density residential apartment complex. The proposed use on the subject property, church, is considered a medium impact use. This incompatible use requires a Type B bufferyard, which includes a minimum building setback of 30 feet and a minimum landscaped bufferyard of 20 feet. The applicant is proposing a minimum building setback of 11 feet and a minimum landscaped bufferyard width of 11 feet along the existing building and the existing driveway and parking lot.

“REQUIRED:

“Section 4.7 (Buffering Incompatible Uses) along the southern portion of the property line.

“Length of bufferyard:

584 feet

“Building setback:

30 feet

“Bufferyard width:

20 feet

“Plant units:

468 plant units

238 plant units (with a six-foot-high, sight-tight fence)

“PROVIDED:

“Building Setback	11 feet
“Bufferyard Width	11 feet
“Shade Trees (25):	250 plant units
“Total:	240 plant units

“JUSTIFICATION OF RECOMMENDATION

“Since the proposed use is in an existing building with existing building setbacks, the required building setbacks cannot be provided. Although the required amount of landscaping is provided along the entire length of the property line, the landscaping is not adequate to buffer the existing driveway and parking area along this property line. Therefore, the Alternative Compliance Committee is recommending that an additional 25 percent of planting units (60 planting units) along the gravel parking area and driveway to enhance the screening of the driveway and parking lot and to compensate for the reduction in the bufferyard width.

“With the additional plant materials, the alternative is found to be equal to or better than what would be achieved under the strict requirement of the *Landscape Manual*.

“RECOMMENDATION

“The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance pursuant to Section 4.7 for Mount Rainer Spanish Church subject to the following condition:

“The applicant shall provide an additional 25 percent of plant units (60 planting units) along the existing and proposed parking and driveway.”

5. The proposed parking is consistent with the following requirements of Sections 27-568 and 27-582, Off-street Parking and Loading, of the Zoning Ordinance:

	Required Parking	Proposed Parking
Church	24	27
One per 4 seats for a total seating of 95 seats		
TOTAL	24	27

6. The property was previously used as a commercial greenhouse and landscape nursery. It was certified as a nonconforming use. On April 10, 2003, the Planning Board approved a reduction of the filing fee for the subject applications.

Referral Comments

7. The Department of Environmental Resources (De Guzman to Srinivas, April 11, 2003) has stated that the project does not have an approved stormwater management concept plan. A condition of approval has been added to require the same.
8. The Environmental Planning Section (Metzger to Srinivas, April 15, 2003) has stated that Marlboro Clay, steep and severe slopes, 100-year floodplain, or wetlands and streams are not found to occur on this property. The site is located in the Sligo Creek watershed, which is a tributary to the Anacostia River. The soils found to occur on this property include the Woodstown series. There are no rare, threatened, or endangered species in the vicinity of the property. No historic or scenic roads are affected by this proposal. The site is exempt from the requirements of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and does not have a previously approved Tree Conservation Plan. A letter of exemption was issued by the Environmental Planning Section on March 18, 1994. The exemption letter has expired. The Section has recommended conditions of approval requiring the applicant to get a new exemption letter and submit a copy of the approved stormwater management concept approval.
9. The Subdivision Section (Del Balzo to Srinivas, April 1, 2003) has stated that there are no subdivision issues associated with this proposal.
10. The Community Planning Division (Chang to Srinivas, April 25, 2003) has stated that the proposal is consistent with the land uses recommended by the Langley Park-College Park-Greenbelt master plan.
11. The Department of Public Works and Transportation (Hijazi to Srinivas, May 16, 2003) has stated that all improvements within the public rights-of-way must be according to DPW&T requirements.
12. The Transportation Planning Section (Masog to Srinivas, April 1, 2003) has stated that the site plan is acceptable.
13. A referral was sent to the City of Hyattsville. The city has stated that since the property is not in the City of Hyattsville but within a mile of it, they have no comments regarding the subject Detailed Site Plan.
14. The Permits Review Section (Ferrante to Srinivas, April 14, 2003) has requested minor revisions to the site/grading plans. Conditions of approval have been added to require the minor changes.
15. With the proposed conditions, Detailed Site Plan DSP-03007 is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and

without detracting substantially from the utility of the proposed development for its intended use.

Variance

16. Section 27-441(2) requires a minimum setback of 25 feet from each lot line. The existing setbacks are as follows:

Church building:

Front: 55 feet

Rear: more than 100 feet

Sides: 11 and 25 feet

Storage building:

Front: more than 100 feet

Rear: more than 100 feet

Sides: 11 feet and more than 30 feet

Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:

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

The existing single-family house will be converted to a church. The existing two-story building in the rear of the property will be used as a storage building. Since the lot has a frontage of only 93 feet and has an unusual flag-lot shape, relocating the existing buildings to meet the required setbacks is not feasible. Providing the required setbacks for the church would result in a smaller church building. Since the applicant is proposing to use existing structures, the required setbacks cannot be provided. The site, therefore, has exceptional qualities that justify granting a variance from the setback requirements for the existing church and storage building.

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

Since the applicant is using the existing structures, the required setbacks cannot be provided. The proposal meets all other requirements of the R-35 Zone. Only one of the side setbacks for the church building and the storage building does not meet the setback requirements. The strict application of this subtitle would result in a smaller church building that would not fulfill the needs of the congregation. Relocating the existing buildings to meet the setback requirements would create practical difficulties for the applicant and would result in undue hardship for the owner of the property.

- (3) *The Variance will not substantially impair the intent, purpose or integrity of the General*

Plan or Master Plan.

The 1989 Langley Park-College Park-Greenbelt master plan retains the subject property in the R-35 Zone. A church use is permitted in the R-35 Zone; a small church such as this is a desirable amenity that complements a residential community. The subject church and storage building meet all other requirements of the R-35 Zone. Therefore, the variance will not impair the intent, purpose or integrity of the master plan.

The Planning Board finds that the approval of the variance application, VD-03007, is justified based on the fulfillment of the criteria mentioned above.

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-03007, Alternative Compliance No. AC-03007 and further approved Variance Application No. VD-03007.

1. Prior to certification of the Detailed Site Plan, the site and landscape plans shall be revised to show the following:
 - a. The proposed use of the storage building.
 - b. All the setbacks for the church and storage building.
 - c. Notes referencing building permit no. 3953-94-CGU deleted.
 - d. The area of the church building and storage building.
 - e. All driveway aisle widths. All one-way driveway aisles shall have a minimum width of 11 feet.
 - f. No encroachments into the 11-foot-wide, one-way driveways.
 - g. Height of the church and storage buildings.
 - h. Fence along the southern property line relocated to the back of the property line.
 - i. No parking in the front of the building.
 - j. All proposed parking spaces.
 - k. One van-accessible handicapped parking space 16-feet in width and 19-feet in length.

- l. Allowable and proposed lot coverage.
 - m. The proposed use of the gravel parking area.
 - n. An additional 25 percent of plant units (60 planting units) along the existing and proposed parking and driveway along the southern property line.
2. Prior to certificate approval, the applicant shall submit the following:
 - a. A letter of exemption from the Woodland Conservation Ordinance issued by the Environmental Planning Section.
 - b. A copy of the stormwater management concept approval letter issued by the Department of Environmental Resources.

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.

* * * * *

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, its regular meeting held on Thursday, November 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk