



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 09-92(C)

File No. DSP-06040

C O R R E C T E D 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 May 28, 2009, regarding Detailed Site Plan DSP-06040 for La Iglesia Casa de Gracia y Fe, the Planning Board finds:

1. **Request:** This application originally requested approval of a 200-seat church; a departure from parking and loading standards of three parking spaces; a variance of 7.5 percent from the 50 percent lot coverage requirement; and alternative compliance for the portion of the western property line that adjoins a single-family detached dwelling. Both the departure and the variance applications were subsequently withdrawn by the applicant during the public hearing on the project when they became unnecessary due to an adopted condition.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone	R-55	R-55
Use(s)	Church	Church
Acreage	1.048	1.048
Lots	1	1
Building Square Footage/GFA	5,200	5,200
Building Height (Feet)	30.4	30.4

	REQUIRED	APPROVED
Total parking spaces	50	47
Standard	48	30
Compact Spaces*	-	15
Handicap (Van Accessible)	2	2

*A maximum of one-third of the required parking spaces may be compact.
There is not, however, any requirement that compact spaces be included in an application.

3. **Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located in the northwestern quadrant of the intersection of Landover Road (MD 202) and Neighbor Lane.

4. **Surroundings and Use:** The subject property is bounded to the north by Otis Avenue with a single-family detached residential unit beyond; to the east by Neighbor Lane with single-family residential units beyond; to the south by Landover Road (MD 202) with single-family detached units beyond; and to the west by a single-family detached residential unit.
5. **Previous Approvals:** Special Exception SE-3677 was approved for a day care center for children on October 31, 1989, and Special Exception SE-4463 was approved for a day care center for children and adults on February 28, 2002. Neither enterprise is currently operating from the site. The property is also subject to the requirements of approved Stormwater Management Concept Plan 50393-2006-00, dated February 22, 2007.
6. **Design Features:** Neighbor Lane is planned to provide a two-way access to the site, and Otis Avenue will provide a secondary exit. The primary access point from Neighbor Lane will lead only to a parking lot, providing two van-accessible handicapped and 22 additional standard parking spaces. A travelway from that parking area leads to a second parking area directly in front of the church providing 15 parking spaces. A one-way travelway then leads to a third parking area, including seven parking spaces, set at a 45 degree angle along the southern half of the western property line. The travelway provides for an additional parking space adjacent to a playground area at the back of the church and then exits onto Otis Avenue. Landscaping is included along the western property line, the Landover Road (MD 202) frontages, the southern portion of the Neighbor Lane frontage, and additionally in the two major parking areas in front of the church. There are no signs proposed as part of the subject application. The landscaping along the Landover Road (MD 202) frontage is located within the ultimate right-of-way line. Therefore, approval from the State Highway Administration (SHA) is necessary prior to signature approval of the plans. The design will be modified reflective of a proffered agreement to provide 48 parking spaces off-site and to reduce lot coverage on-site to a maximum of 50 percent.
7. **Zoning Ordinance:** The subject application has been reviewed for compliance with Section 27-441, Section 27-442, Section 27-550, Section 27-586, Section 27-588, Section 27-239.03, and Section 27-230. Each relevant section is enumerated below and followed by comments regarding the application's compliance with its requirements:
 - a. Section 27-441 regarding the uses permitted in residential zones—The proposed church is a permitted use in the R-55 Zone and therefore complies with the requirements of Section 27-441 with respect to its basic land use. However, it is not in conformance with the requirements of Footnote 52 of Section 27-441 which states: "A church or similar place of worship that is located on a lot between one (1) and two (2) acres in size shall require a detailed site plan in accordance with Part 3, Division 9 of this Subtitle (The Zoning Ordinance)." In addition to the requirements of Section 27-285(b), the following requirements shall be met:
 - (A) **The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;**

- (B) **When possible, there should be no parking or loading spaces located in the front yard; and**
- (C) **The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.**

The building on the subject property is set back at least 25 feet from each lot line. Parking is located in the front yard; however, because the subject lot is a through lot with three legal "front" yards, it is for all intents and purposes impossible to have parking on the lot that is not located in one of the "front yards," as legally defined. The applicant originally sought to increase the allowable lot coverage, in contravention of subsection (c) of this requirement, but has withdrawn that request.

- b. Section 27-586(a) Reduced (parking) requirements for churches—This section of the Zoning Ordinance provides that, for a church, the total number of parking spaces required may be reduced by not more than thirty percent, provided:

- (1) **The lot upon which the church is located is within five hundred (500) feet of an existing parking lot, including a public, private, or commercial lot;**
- (2) **The church has written permission to use the existing parking lot; and**
- (3) **The existing parking lot has sufficient spaces available during the time of regular church services to provide the total number of spaces required.**

The applicant provided such written permission at the public hearing on the project to locate three spaces off-site in order to provide required parking, while keeping the lot coverage at a maximum of 50 percent, making both the application for a departure and the variance unnecessary

- 8. ***Prince George's County Landscape Manual:*** The application is subject to Sections 4.3(c) Parking Lot Interior Planting, Section 4.3(a) Parking Lot Landscape Strip, and Section 4.7 Buffering Incompatible Uses of the *Prince George's County Landscape Manual*. The Planning Board has reviewed the subject application against the requirements of those sections and found that although the plan meets the requirements of Section 4.3, it only partially complies with the requirements of Section 4.7. The detailed site plan is accompanied by an application for alternative compliance for relief from the requirements of Section 4.7 of the *Prince George's County Landscape Manual*. The alternative compliance application allows the use of a decorative board-on-board fence and the incorporation of approximately 25 percent additional plant materials along the western property line where it runs adjacent to a single-family dwelling that was judged by the Alternative Compliance Committee and the Planning Director to result in

better than normal compliance with the requirements of the *Prince George's County Landscape Manual*. A color elevation drawing of the fence is required to be approved by the designee of the Planning Board prior to signature approval of the plans.

9. **Woodland Conservation and Tree Preservation Ordinance:** The project is exempt from the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.
10. **Historic Preservation—**There are no historic resources affected by the subject detailed site plan or departure from parking and loading standards.

Archeology Review—A Phase I archeological survey is not recommended for the site because a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated that the probability of archeological sites within the subject property is low, as a church and parking lot were built on the property in 1990. One National Register of Historic Sites property, however, Mount Hope (69-024-11) and two historic sites, Crawford's Adventure Spring (69-024-14) and the Raymond W. Bellamy House (69-024-22), and two historic resources, Mount Hope Slave Quarter Ruin (69-024-24) and Wilson Station Railroad Tower (72-001) are within a one-mile radius of the subject property.

Community Planning Division—The proposed application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The application conforms to the public or quasi-public land use recommendations of the *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*. However, a discrepancy exists in the applicant's justification statement as it states that 60 percent of the church's members do not own vehicles and that at least 15 percent of the church members do not have vehicles. Additionally, it was noted that cars parked on neighborhood streets might inconvenience area residents.

Transportation—The property is located on the northwest quadrant of the MD 202 (Landover Road) and Neighbor Lane intersection. The subject property is zoned R-55. In the previously submitted justification statement, the applicant had planned to convert the existing two-story building consisting of 5,200 square feet, previously used as a day care, into a church with a main auditorium sanctuary of 360 seats and activities only on Sundays, Wednesday, and Thursday evenings. As part of the most recent justification statement, however, the submitted justification indicates the church main auditorium sanctuary will have a capacity of 200 seats. This change is very important considering that a 360-seat church would require 91 parking spaces whereas a 200-seat church would require only 50.

Access to the site is limited to an outbound-only driveway along Otis Avenue, and a full driveway along Neighbor Lane. Both are substandard and need to be improved. The existing right-of-way (ROW) along Neighbor Lane needs to be brought into compliance with Department of Public Works and Transportations (DPW&T's) urban secondary residential road standards with an ultimate right-of-way of 50 feet, or 25 feet from the existing center line. The current right-of-way along the frontage of the property is approximately 19 feet from the center line.

Therefore, the ultimate right-of-way would extend well into the subject property, affecting the proposed entrance to and from Neighbor Lane and some of the proposed parking spaces along the frontage adjacent to Neighbor Lane.

While the site plan does not show any direct access onto MD 202, this roadway is designated as a master plan arterial facility, with a proposed right-of-way of 120 feet, or 60 feet from center line. The proposed 60 feet right-of-way line again extends well into the subject property and will include all the area shown on the plan as landscape area.

The issues regarding the required dedication of right-of-way associated with needed improvements for Neighbor Lane and the placement of any required landscaping outside the ultimate right-of-way limit for MD 202 and the provision of the required landscape strip inside the ultimate right-of-way (as to the Alternative Compliance) are, by a condition below, required to be addressed prior to certificate approval.

Trails—There are no trails-related master plan issues included in the May 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* that would impact the subject application. With respect to sidewalk connectivity, the State Highway Administration had recently installed a decorative sidewalk and crosswalks along the project's Landover Road frontage to accommodate pedestrians in this heavily travelled corridor. However, Neighbor Lane and Otis Avenue, which are currently open section, with no sidewalks, require five-foot sidewalks. Additionally, a sidewalk connection to the existing building is required. The provision of such walk ways has been provided on the plans.

Permits—Numerous comments offered by the Permit Review Section have either been addressed by revisions to the plans or in the conditions below.

Environmental Planning—There are no environmental issues posed by the subject project. The site is exempt from the Woodland Conservation Ordinance, because noise mitigation is not required because residential uses are not proposed.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated January 5, 2009, DPW&T offered the following:

- a. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban secondary residential road standards are required on Neighbor Lane and Otis Avenue, not on vacated 62nd Avenue on the west of the property.
- b. Full-width, two-inch mill and overlay for all County roadway frontages is required. The plan is consistent with approved Stormwater Management Concept Plan 50393-2006-00, dated February 22, 2007.
- c. All storm drainage systems and storm drainage facilities must be designed in accordance with DPW&T's specifications and standards.

- d. Sidewalks are required along all roadways in accordance with Sections 23-135 and 23-135 of the County Road Ordinance and the Americans with Disabilities Act (ADA)
- e. A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for the proposed stormwater management structures, is required.
- f. DPW&T has no objection to the proposed variance to increase the lot coverage; DPW&T objects, however, to the proposed reduction of parking spaces from 90 to 51.

DPW&T subsequently, in an e-mail dated May 15, 2009, updated and corrected its comments to reflect that they could support a departure of three spaces, providing 47 of the spaces on-site instead of the required 50. Further, they stated that although they could not give an exact accounting of the amount of right-of-way dedication that would be required on Neighbor Lane and Otis Street, that some would be required to provide the required 25 feet from center line. Additionally, they stated that they suspected that there may be inaccuracies in the detailed site plan as drawn because the frontage property line and property line were not coincident, and some of the street pavement is not shown within the existing right-of-way. Lastly, DPW&T asked that the applicant to meet with DPW&T to clarify these issues. Applicant must obtain confirmation from DPW&T that the right-of-way lines are shown correctly on the DSP.

State Highway Administration (SHA)—In a memorandum dated January 27, 2009, SHA stated the following:

- a. The subject property is located on a state-maintained, six-lane divided arterial-MD 202, Landover Road, with a posted speed limit of 40 miles per hour. The annual average daily trip volume at this location is 30,642 vehicles per day.
- b. Access to this church is via one existing forty-four-foot-wide access point along Neighbor Lane approximately 200 feet north of Landover Road, and a relocated 25-foot-wide access along Otis Avenue approximately 115 feet west of Neighbor Lane.
- c. Neighbor Lane and Otis Street are maintained by DPW&T and relocation of the driveway along Otis Avenue must be coordinated with that office.
- d. The applicant proposes 51 instead of 90 spaces required by County regulation and SHA is concerned that the deficit will result in an overflow of parking within the community.
- e. Based upon the size, scope and potential trip generation of this development, M-NCPPC may determine a traffic impact study including a parking study or traffic data is necessary to provide an adequate measure of mitigation.
- f. SHA has no comment regarding Variance Request VD-06040.

The magnitude of the reduction was subsequently reduced to a departure from a parking requirement of 50 by three. The magnitude was reduced by limiting the seats in the sanctuary of

the church to 200. DPW&T did not respond to Planning Board request to revise their comments in light of the applicant's parking space reduction. M-NCPPC did not require a traffic study. Please see above comments in Finding 10 under "Transportation".

Prince George's County Fire/EMS: The Prince George's County Fire/EMS Department did not provide comment on the subject project.

Potomac Electric Power Company (PEPCO)—In undated comments, PEPCO stated that there are existing PEPCO facilities on the property that were built and are owned and maintained by the customer. As part of this project, the customer will be required to connect a conduit to the pole and that the customer must provide space for the transformer and allow access to the electric controls within the building.

Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated November 14, 2008, WSSC stated that the subject site is already being served by water and sewer.

Town of Cheverly—On May 10, 2009, David Warrington, on behalf of the Town of Cheverly, stated that they would not be commenting on the subject project.

Town of Landover Hills—On April 27, 2009, Kathleen Tavel, on behalf of the Town of Landover Hills, stated that they would not be commenting on the subject project.

Town of Bladensburg—On December 23, 2008, Chief Moss, on behalf of the Town of Bladensburg, stated that they would not be commenting on the subject project.

11. A church of the requested magnitude is somewhat out of scale and too intense for the site or the surrounding residential –land use context. Therefore, to lessen the impacts of the church on the surrounding area and to create a better fit with its land use context, by condition below, the size of the congregation to be accommodated at the church shall be reduced, the site reconfigured and more landscaping and less asphalt paving shall be provided. Reducing the paved parking spaces on the site, such that the total lot coverage is reduced to a maximum of 50 percent, eliminates the need for a variance.
12. As required by Section 27-285(b) of the Zoning Ordinance, the subject application represents reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use with the conditions contained herein.

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-06040 subject to the following conditions:

1. Prior to certificate approval of the project, the applicant shall revise the plans as follows and/or submit the following documentation:
 - a. Applicant shall include a north arrow on the landscape plan.
 - b. Applicant shall add information regarding ownership, land use and zoning to the parcels surrounding the subject project as reflected on the landscape plan to the detailed site plan, and shall add this information for the land directly across MD 202 to the south of the site.
 - c. Applicant shall correct the parking schedule to indicate no requirement for compact spaces as their inclusion in a site design is optional.
 - d. Applicant shall include a note on the site and landscape plans that states: "No signs have been approved as part of the subject application. Any signs for the site shall be applied for separately in an application submitted for the Planning Board's or its designee's review and approval."
 - e. Applicant shall provide bollards four feet on center around the playground area specified at the northern end of the church. Details of design and placement of such bollards shall be approved by the Urban Design Section as designee of the Planning Board.
 - f. Applicant shall provide detailed color elevation drawings of the decorative fence for approval by the Urban Design Section as designee of the Planning Board.
 - g. Applicant shall provide written confirmation from DPW&T that property boundaries shown on the detailed site plan are consistent with DPW&T's records of street dedications and public right-of-way plats.
 - h. Applicant shall provide written permission from SHA to install landscaping as indicated on the plans within the ultimate right-of-way of Landover Road (MD 202).
 - i. Applicant shall modify the striping of parking spaces on the site to the maximum number that can be accommodated by 50 percent lot coverage. Final design of the access ways and parking areas shall be approved by the Urban Design Section as designee of the Planning Board. Maximum seating capacity of the church shall be indicated on the plans based on the total number of parking spaces that can be accommodated on the available pavement, after it is reduced to produce 50 percent lot coverage, together with the 48 spaces to be provided off-site.

- *[k]j. The site plan shall indicate that 883 square feet of impervious surface shall be removed from the site to reduce the lot coverage to 22,063.5 square feet, or 50 percent, and shall revise the landscape plan to include a variety of additional plantings in the 883 reclaimed square feet. The final design of said landscaping shall be approved by the Urban Design Section as designee of the Planning Board.

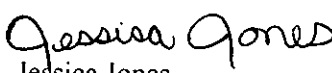
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns, Squire and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, May 28, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of July 2009, *and corrected on May 27, 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 6/14/11