




The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

*Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>*

## Departure from Design Standards Clinton Church of Christ

## DDS-682

REQUEST	STAFF RECOMMENDATION
A departure from design standards from Section 4.7 of the 2010 Prince George's County Landscape Manual for a church.	APPROVAL with conditions

<b>Location:</b> In the northwest quadrant of the intersection of Brandywine Road and Den Lee Drive.			
Gross Acreage:	3.43		
Zone:	R-80		
Gross Floor Area:	N/A		
Lots:	0		
Parcels:	1		
Planning Area:	81A	Planning Board Date:	03/10/2022
Council District:	09	Planning Board Action Limit:	N/A
Election District:	09	Staff Report Date:	02/22/2022
Municipality:	N/A	Date Accepted:	12/17/2021
200-Scale Base Map:	214SE06	Informational Mailing:	07/14/2021
<b>Applicant/Address:</b> Gutschick, Little, & Weber 3909 National Drive, Suite 250 Burtonsville, MD 20866		Acceptance Mailing:	12/13/2021
<b>Staff Reviewer:</b> Thomas Sievers <b>Phone Number:</b> 301-952-3994 <b>Email:</b> Thomas.Sievers@ppd.mncppc.org		Sign Posting Deadline:	03/03/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

[http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
  
PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT:       Departure from Design Standards DDS-682  
                  Clinton Church of Christ

The Zoning staff has reviewed the departure from design standards for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

**EVALUATION CRITERIA**

This departure from design standards was reviewed and evaluated for compliance with the following criteria:

- a.       The requirements of prior approvals.
- b.       The requirements of the Prince George's County Zoning Ordinance.
- c.       The requirements of the 2010 *Prince George's County Landscape Manual*.
- d.       The requirements of the Tree Canopy Coverage Ordinance.
- e.       Referral comments.

**FINDINGS**

1.       **Request:** The property owner is requesting a departure from design standards (DDS) from Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for a church or similar place of worship. Per Table 4.7-1 of the Landscape Manual, a church is considered a medium-impact use. The one-family detached dwellings to the north and west require a Type C bufferyard between the two uses. The applicant has requested a reduction from the required 40-foot building setback to 20 feet, and 30-foot landscape bufferyard to vary from 0 to 23.6 feet. The only proposed modifications to the property are to adjust the driveway and parking areas to accommodate the new use. This includes widening the existing driveway and entrance, as well as striping the parking spaces.
2.       **Development Data Summary:** The following chart summarizes the approved development for the overall Clinton Church of Christ property, which remains unchanged by this application.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Residential	Church or similar place of worship
Total Acreage	3.43	3.43
Number of Lots	0	0
Parcels	1	1

3. **Location:** The subject site is one parcel located in the northwest quadrant of the intersection of Brandywine Road and Den Lee Drive. The property is known as Parcel 86 as shown on Tax Map 125, Grid C3, and is in the One-Family Detached Residential (R-80) Zone.
4. **Surrounding Uses:** The subject site is bounded on the north, south, and west by residential uses in the R-80 Zone, and to the east by Brandywine Road, with a church beyond in the Rural Residential Zone.
5. **Previous Approvals:** The subject parcel conveyed by deed since January 11, 1949, recorded amongst the Prince George's County Land Records as Liber 1092 folio 117, and is not platted. The current owner, Clinton Church of Christ recorded a deed conveyance on December 21, 2020, recorded amongst the Land Records as Liber 44889 folio 222. The site was subject to Alternative Compliance review (AC-21016) and was denied on July 23, 2021, which necessitated the current application.
6. **Prince George's County Zoning Ordinance Requirements:** The criteria for approval of a DDS is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant proposes to replace a day care use with a church use, and in doing so must widen the driveway and entrance and add striping to parking spaces. The new use will have a lower impact but will be an incompatible use next to residential properties. Due to limited space on the site, a reduction to the requirements of Section 4.7, Buffering Incompatible Uses is necessary. A request for alternative compliance, AC-21016, was denied by the Planning Director on July 23, 2021. In response, the applicant proposes additional landscaping along 160 feet of the northern property line, with an additional 45 feet of board fencing.

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

The departure is the minimum necessary, given the location of the existing structures that are to be utilized on-site. As a result, the applicant is mitigating the impacts of a church use to the greatest extent possible.

- (iii) **The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is the minimum necessary to alleviate the constraints that are unique to this site. The property has been in existence since January 11, 1949. The current structures have been in place for many years and strict adherence to the code would require demolition to alleviate the need for additional buffering.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

According to the applicant's statement of justification (SOJ), cleanup of the site has already begun and improvements to the cleanliness of the site have been affirmed through two letters of support from neighboring properties, one of those being from the owner of Lot 18. The following tables provide a breakdown of the departure request:

**REQUIRED: Section 4.7. Buffering Incompatible Uses Type 'C' buffer, along the northern property line, adjacent to existing residential dwellings**

Length of bufferyard	584 feet
Minimum building setback	40 feet
Landscape yard width	30 feet
Fence or wall	Yes
Percent with existing trees	26
Plant units (120 per 100 l. f.)	174

**PROVIDED: Section 4.7. Buffering Incompatible Uses Type 'C' buffer, along the northern property line, adjacent to existing residential dwellings**

Length of bufferyard	160 feet
Minimum building setback	40feet
Landscape yard width	0-30 feet
Fence or wall	Yes
Percent with existing trees	26
Plant units (120 per 100 l. f.)	60

The proposed departure includes existing trees and additional landscape buffering of 160 feet along the northern property line, and 45 feet of 6-foot-high board fencing that will further beautify the site and effectively buffer the residential uses from the church use. The buffer contains up to 26 percent existing trees, which will be supplemented with the additional 60 plant units. The driveway is paved and will not generate excessive

amounts of dust. The site will further be of benefit to the neighborhood by providing a local place of worship for those who may not be able to travel. Furthermore, the proposed site disturbance will be under 5,000 square feet and is exempt from the stormwater management requirements. The Prince George's County Department of Permitting, Inspections and Enforcement has reviewed the application (46903-2020-00) and assessed a fee of \$1,200.00 in lieu of providing on-site attenuation and quality control measures. Therefore, the DDS will not impair the visual, functional, or environmental quality or integrity of the site or surrounding neighborhood.

7. **2010 Prince George's County Landscape Manual:** In accordance with Section 27-450, Landscaping, screening, and buffering, of the Zoning Ordinance, this development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. The applicant submitted a request for alternative compliance, AC-21016, from the requirements of Section 4.7 that was denied by the Planning Director, on July 23, 2021.

The Landscape Manual designates a church as a compatible, medium-impact use with moderate effects on adjacent properties. Such a designation requires a Type 'C' bufferyard to mitigate the impacts of the proposed use. A Type 'C' bufferyard requires a minimum building setback of 40 feet, minimum landscape yard of 30 feet, and 120 plant units per 100 linear feet of property line. The site contains a total of 584 linear feet of property line and right-of-way, with approximately 26 percent being occupied by existing trees. The subject site requires 174 plant units.

The existing driveway and building proposed to be utilized as the church is located near the northern property boundary and is skewed in relation to the property line. This results in a tapering building set back from 20 feet to 13.5 feet at the closest point with adjacent Lot 18. The remaining impacted lots, Lots 19–23, are only impacted by the existing driveway. According to the applicant's SOJ, the existing fencing and proposed landscape materials are being sought to satisfy the buffer requirements along the northern property line in response to an alternative compliance denial. Due to the tapering effect of the lot, building setback relief is requested for 20 feet to 26.5 feet along adjacent Lot 18, as the site conditions cannot be changed without demolition of the existing structure. In addition, landscape buffer relief is requested, as a portion of the existing building to be utilized is located within it. Approximately 160 feet of landscape buffer is proposed along the northern property line with a total of 60 plant units provided, a departure of 114 plant units. The applicant proposes a combination of shade, evergreen, and ornamental trees to be planted in the landscape buffer. The applicant also proposes 45 feet of 6-foot-high board fencing to provide more visual buffering of the uses. Staff finds that the combination of existing trees, fencing, and landscape plantings will adequately buffer the site, mitigating the medium-impact church use.

8. **Tree Canopy Coverage Ordinance:** The site has been issued a standard exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (S-200-2021) because the site contains less than 10,000 square feet of woodlands and has no previous tree conservation plan approval. A Natural Resources Inventory equivalency letter has been issued for the site (NRI-167-2021). The NRI was issued based on the

standard woodland conservation exemption and that no regulated environmental features will be impacted.

9. **Referrals:** No referral agencies provided any comment or concern that would affect the recommendation of approval for this application. The relevant comments submitted for this application were included in this technical staff report. The following referral memorandums were received, are included as backup to this technical staff report, and adopted by reference herein:

- Permits Review Section, dated December 27, 2021 (Hughes to Sievers)
- Community Planning Section, dated January 21, 2022 (Sams to Sievers)
- Transportation Planning Section, dated January 28, 2022 (Patrick to Sievers)
- Urban Design Section, dated January 26, 2022 (Butler to Sievers)
- Environmental Planning Section, dated December 22, 2021 (Schneider to Sievers)
- Department of Permitting, Inspections and Enforcement, dated February 2, 2022 (Giles to Sievers)

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning staff recommends that the Planning Board adopt the findings of this report and APPROVE Departure from Design Standards DDS-682 for Clinton Church of Christ, subject to the following condition:

1. Prior to certification of the departure site plan, the plans shall be revised to:
  - a. Provide dimensions of all buildings on the site plan.
  - b. Provide the use of each structure on the site plan.
  - c. Provide a note on the site plan indicating if the other rooms/buildings will not be occupied at the same time as the main auditorium.