



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 <https://www.mncppc.org/883/Watch-Meetings>

Detailed Site Plan
Alternative Compliance
Giac Son Buddhist Temple

DSP-20002
AC-22009

REQUEST	STAFF RECOMMENDATION
This case was continued from the Planning Board hearing date of July 27, 2023, to September 7, 2023. DSP: To construct a place of worship and maintain an existing single-family detached dwelling as a parsonage. AC: Alternative compliance from the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 <i>Prince George's County Landscape Manual</i>.	With the conditions recommended herein: •Approval of Detailed Site Plan DSP-20002 •Approval of Type 2 Tree Conservation Plan TCP2-018-2023 •Approval of Alternative Compliance AC-22009 •Approval of a Variance to Section 25-119(d)

Location: In the southeast quadrant of the intersection of MD 197 (Laurel Bowie Road) and Snowden Road.	
Gross Acreage:	1.64
Zone:	RR
Prior Zone:	R-R
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	1
Gross Floor Area:	4,625 sq. ft.
Planning Area:	62
Council District:	01
Municipality:	None
Applicant/Address: Giac Son Buddhist Temple Corp 11801 Laurel Bowie Road Laurel, MD 20707	
Staff Reviewer: Andrew Shelly Phone Number: 301-952-4976 Email: Andrew.Shelly@ppd.mncppc.org	



Planning Board Date:	09/07/2023
Planning Board Action Limit:	Indefinite
Staff Report Date:	08/24/2023
Date Accepted:	02/02/2023
Informational Mailing:	03/17/2022
Acceptance Mailing:	01/17/2023
Sign Posting Deadline:	08/08/2023

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/. 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: Detailed Site Plan DSP-20002
 Type 2 Tree Conservation Plan TCP2-018-2023
 Alternative Compliance AC-22009
 Giac Son Buddhist Temple

The Urban Design staff have reviewed the detailed site plan for the subject property and present the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

The property is within the Residential, Rural (RR) Zone and was previously zoned Rural Residential (R-R). This application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903(c) of the Zoning Ordinance, which allows certain development proposals to be reviewed under the prior Zoning Ordinance. The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Rural Residential (R-R) Zone.
- b. The requirements of the 2010 *Prince George's County Landscape Manual*;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- e. Referral comments; and
- f. Community Feedback

FINDINGS

Based upon the evaluation and analysis of the subject application, Urban Design staff recommend the following findings:

1. **Request:** This detailed site plan (DSP) requests the development of a 4,625-square-foot place of worship and will maintain an existing single-family detached dwelling as an accessory parsonage. The applicant also requests a variance to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of two specimen trees, in accordance with Section 25-119(d) of the Prince George's County Code.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	RR (prior R-R)	RR (prior R-R)
Use(s)	(1) Single-family detached dwelling	Place of Worship and an accessory parsonage
Gross Acreage	1.64	1.64
Total Gross Floor Area	1,877 sq. ft. (Existing single-family detached dwelling to remain)	4,625 sq. ft. (Proposed Place of Worship)

Parking Spaces

USE	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
Total Parking Spaces	45*	43 (13 compact spaces, 2 Americans with Disabilities Act spaces)
Bicycle Parking Spaces	-	6

***Note:** A condition has been included herein, for the applicant to revise the parking layout and update the number of required parking spaces from 43 to 45, in accordance with Section 27-568(a) of the prior Prince George's County Zoning Ordinance. Two additional parking spaces are required for the accessory parsonage, which is equivalent to a one single-family detached dwelling unit.

3. **Location:** The subject site consists of 1.64 acres and is located in the southeast quadrant of the intersection of MD 197 (Laurel Bowie Road) and Snowden Road, in Planning Area 62 and Council District 1.
4. **Surrounding Uses:** The subject property is bounded to the north by Snowden Road and single-family detached residential properties in the Residential, Single-Family-65 Zone; to the south by a place of worship in the Commercial, General and Office Zone and MD 197; to the east by single-family detached residential properties in the Residential, Rural (RR) Zone; and to the west by MD 197 and commercial properties in the Commercial, Service Zone and residential multifamily properties in the Residential, Multifamily-20 Zone.
5. **Previous Approvals:** The subject property does not have any prior approvals. The property has never been the subject of any preliminary plan of subdivision (PPS) or final plat. Based on the proposed development, a PPS and final plat are not required at this time. An analysis of this reasoning is provided within Finding 11 of this technical staff report.

6. **Design Features:** The subject application proposes to develop a 4,625-square-foot place of worship and maintain an existing single-family detached dwelling as a parsonage. The other existing structures on Parcels 27 and 28 will be razed.

The proposed place of worship will be one story and 34 feet and 10 inches tall. The site will be accessed from MD 197. Currently, the site has two access points on MD 197. The access point furthest to the east will be removed and the remaining access point will be maintained. The applicant proposes 43 parking spaces, including 13 compact spaces and 2 Americans with Disabilities Act (ADA) spaces. However, a condition has been included herein, to revise the parking layout to include two additional parking spaces for the accessory dwelling, in accordance with Section 27-568(a). The site will have two microbioretention stormwater management (SWM) ponds.

Architecture

The place of worship will be constructed of red brick veneer, with red clay tile roofing and white columns. The side elevations will each have a medallion and a gable made of stucco. The place of worship will be elevated by gray painted planks and accessed via black metal staircases. The staircases are located on all sides of the building and an ADA-accessible ramp is located on the side of the building facing Snowden Road. The primary entrance faces MD 197, where three access doors are provided. The applicant proposes the construction of a 31.5-foot-tall Buddha statue and a 1,755-square-foot courtyard to the east or side of the proposed building.

Buddha Statue as Accessory Structure

Prior to the first Planning Board hearing on June 22, 2023, staff determined the Buddha statue is an “accessory structure” and that the maximum allowable height for an accessory structure in the Rural Residential (R-R) Zone is 15 feet. This information was provided to the Planning Board by staff at the June 22, 2023 hearing, and the Planning Board heard testimony from the applicant on the issue. Staff’s determination was based on the following:

- The term “accessory structure” is used throughout the prior Zoning Ordinance but is not defined. A “structure,” however, is defined as “[a]nything constructed or built.” In addition, a “building accessory” is defined as a building “subordinate to and located on the same lot with” a main building “and used for an accessory use.” Finally, a “use accessory” is defined as a use “subordinate to, customarily incidental to, and ordinarily found in association with, a principal “Use,” which it serves.”
- Based on the foregoing, staff determined the definition of an “accessory structure” in the prior Zoning Ordinance is anything constructed or built that is subordinate to and located on the same lot with a main building, and is used for a purpose subordinate to, customarily incidental to, and ordinarily found in association with the principal use which it serves. According to the applicant’s statement of justification (SOJ), the statue will be constructed on the same lot as the temple and “is one of the most important architectural elements serving the temple.” Therefore, staff determined that the statue met the definition of accessory structure.

- “Accessory structures and uses (when not otherwise provided for)” are permitted by the prior Zoning Ordinance in the R-R Zone. However, there are no guidelines in the prior Zoning Ordinance governing the height of accessory structures. Staff presumed, however, that the Prince George’s County District Council did not intend for the height of accessory structures to be unlimited and determined the most appropriate maximum height is equal to the maximum permitted height of an accessory building. In the R-R Zone, the maximum height of an accessory building is 15 feet. Staff found further support for this determination in the current Zoning Ordinance, which provides a maximum height of 15 feet for accessory structures in the comparable RR Zone.

Following the June 22, 2023 hearing, the applicant submitted a letter raising a new issue. The applicant contended that the statue was a monument and therefore, it should be excluded from any height limits by virtue of Section 27-117 of the prior Zoning Ordinance. Section 27-117 reads as follows:

“The height limits set forth in this Subtitle shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, television antennas, spires, bulkheads, elevators, or similar structures. Notwithstanding the forgoing exclusions from height control, all structures located on properties within the Military Installation Overlay Zone are subject to the height limit standards of the overlay zone.”

There is no definition for the term “monument” in the Zoning Ordinance, but the applicant relies on the Merriam-Webster definition of a monument. Staff agree with the applicant’s definition of monument, but not with its application to the Zoning Ordinance. Staff previously reviewed the applicant’s argument prior to the June 22, 2023 hearing and determined Section 27-117 did not apply. Staff’s finding is summarized as follows:

- Staff found the structures identified in Section 27-117 were either exclusively found on rooftops (belfries, cupolas, domes) or could be found on rooftops. Staff then reviewed Section 27-119 of the prior Zoning Ordinance and found the term “monument” was listed as a “roof structure.” Section 27-119 reads as follows:

“Roof structures, such as belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, spires, bulkheads, or elevators, shall not cover more than twenty-five percent (25%) of a roof area. These structures shall be allowed only if incidental to the main use of the building.”

- Based on a reading of Section 27-117, in context with Section 27-119, staff determined the term “monument” as used in Section 27-117, was intended to refer only to structures on top of buildings and that it did not apply to an accessory structure being constructed or built on the ground.

Lastly, in its latest submission, the applicant cites *American Legion et. al v. American Humanist Association, et. al* (139 S. Ct. 2067) (2019) as support for the construction of the proposed statue. However, the case does not support the applicant's contention that they should be allowed to construct a statue in excess of 15 feet. The structure at issue in *American Humanist* was a publicly owned structure ("Peace Cross") on public land, and therefore, not subject to the requirements of the Zoning Ordinance. The referenced case was also an "Establishment Clause" case that challenged the constitutionality of a "religious symbol" on government property. Finally, assuming the height of the Peace Cross had been at issue, its location and the applicable zoning in Bladensburg is significantly different from the zoning requirements applicable in the R-R Zone. Therefore, while the applicant seeks to draw a parallel between the Peace Cross and the Buddha statue, because both are religious symbols, the height restriction imposed on the statue is solely based on staff's interpretation of the height restrictions applicable to accessory structures in the R-R Zone by the prior Zoning Ordinance.

Staff find the proposed architecture to be sufficient, subject to conditions. These include revising the height of the proposed building labeled as Site Note 25 on the DSP coversheet to match the height provided on the architectural elevations; providing dimensions of the proposed building entrances; providing floor plans of the proposed place of worship; providing the material and colored elevations of the Buddha statue and courtyard; labeling the elevation facing Snowden Road as a side elevation on the architectural elevations and Site Note 26 on the DSP coversheet; and requiring the height of the Buddha statue to not exceed 15 feet, per Section 27-442(i) of the prior Zoning Ordinance.

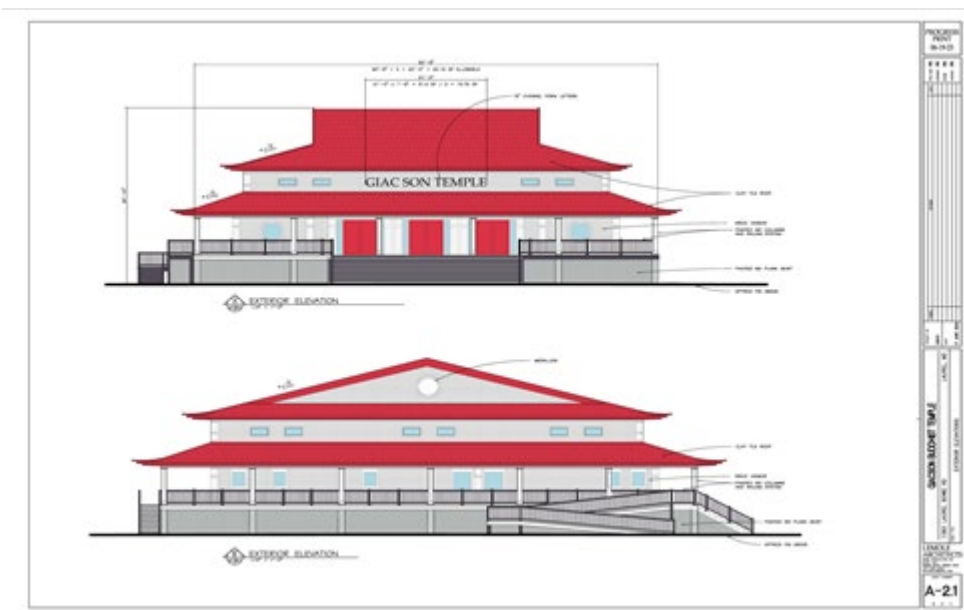


Figure 1: Architecture Elevations

Lighting

A photometric plan has been provided that demonstrates the proposed lighting and light features. The project proposes 14 fixtures, which are distributed throughout the site. The lighting has been deemed sufficient for the site and will provide adequate lighting while minimizing visual disturbance and light pollution, particularly regarding the single-family detached property directly adjacent to the rear of the proposed building.

Signage

Both building-mounted and freestanding signage are proposed for this project. A 21-foot-long by 1.5-foot-high lettered sign that reads “GIAC SON TEMPLE” is proposed to be mounted along the building’s front elevation facing MD 197. Freestanding signage is proposed along the corner of the intersection of MD 197 and Snowden Road. The signage will consist of 6-inch, painted red letters that read “Giac Son Buddhist Temple.” The letters will be mounted on a rough-hewn, granite, monolith stone that is 4 feet long and 6 feet high. Staff find the proposed signage to be sufficient, subject to a condition that requires the applicant to modify the architectural elevations and signage sheets to create a signage chart on the DSP coversheet. The signage chart should list the maximum permitted signage area and the applicant’s proposed signage area for both signs. In addition, the code references provided by the applicant are incorrect. The signage is permitted by Section 27-617 of the prior Zoning Ordinance, which allows one freestanding or attached sign per street frontage for the property. The materials that both signs will be constructed of shall be clearly identified, and the applicant shall provide a colored rendering of the proposed freestanding sign.

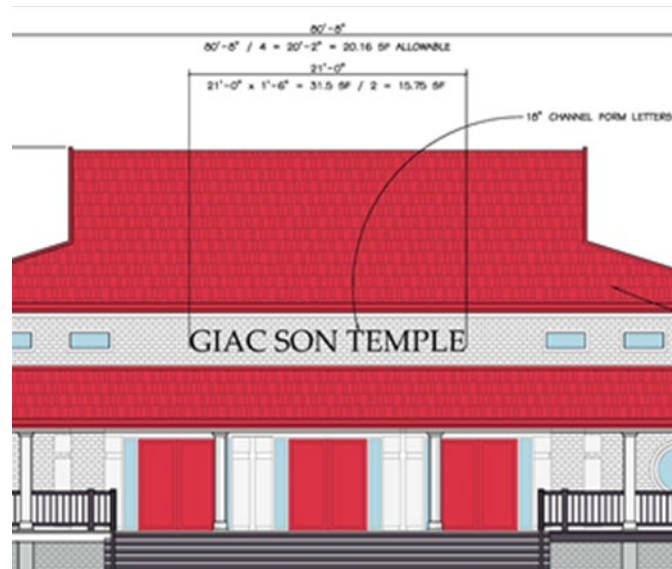


Figure 2: Institutional Building-Mounted Signage

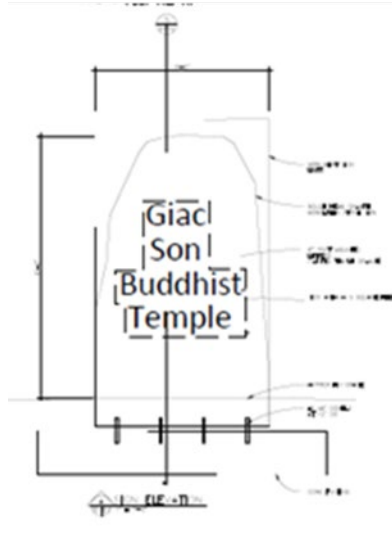


Figure 3: Institutional Freestanding Signage

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the Rural Residential (R-R) Zone of the prior Zoning Ordinance. The subject application is in conformance with the applicable requirements of the prior Zoning Ordinance, including the requirements associated with the use proposed within Footnote 52 of Section 27-441(b) and the applicable regulations of the R-R Zone, which include Section 27-428(a) and Section 27-442 of the prior Zoning Ordinance. In addition, the existing single-family detached dwelling that will be converted to an accessory parsonage must also meet the applicable Section 27-442 requirements, as identified in Section 27-424.01 of the prior Zoning Ordinance. The proposed parsonage meets the applicable requirements identified in Section 27-442, but a condition has been included herein, to demonstrate conformance on the DSP and coversheet.

Section 27-441(b) – Table of Uses

(52) 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. 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;**

The provided setbacks for the proposed place of worship and the existing single-family detached dwelling to be used as a parsonage are at least 25 feet from each lot line.

- (B) When possible, there should be no parking or loading spaces located in the front yard;**

The provided parking is located in the side yard of both buildings.

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

The subject property does not exceed the maximum allowable lot coverage, which is 50 percent.

Section 27-428(a)

- (1) The purposes of the R-R Zone are:**

- (A) To provide for and encourage variation in size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;**
- (B) To facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles;**
- (C) To encourage the preservation of trees and open spaces; and**
- (D) To prevent soil erosion and stream valley flooding.**

The proposed development conforms with the purposes of the R-R Zone. The development maintains an existing single-family dwelling and proposes a use that is permitted within the prior R-R Zone. The DSP meets the tree canopy coverage (TCC) requirement, which is further discussed in Finding 10, by providing sufficient landscaping that meets the native species requirements. The DSP also exceeds the minimum required open space preservation amount.

The criteria for approval of a DSP are set forth in Section 27-285(b), and the site design guidelines are set forth in Section 27-283 of the prior Zoning Ordinance.

Section 27-283. – Site design guidelines.

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**
- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**
- (c) These guidelines may be modified in accordance with Section 27-286.**

The proposed development conforms with the design guidelines indicated in the following analysis of Section 27-274 of the prior Zoning Ordinance. The guidelines below are applicable to the development of a proposed place of worship in the prior

R-R Zone. These guidelines have not been modified, in accordance with Section 27-286 of the prior Zoning Ordinance.

Section 27-274(a). - Design Guidelines

(1) General.

(A) The Plan should promote the purposes of the Conceptual Site Plan.

The proposed development promotes the purposes of the DSP, as stated in Section 27-281 of the prior Zoning Ordinance.

Section 27-281. – Purpose of Detailed Site Plans.

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
- (B) To help fulfill the purposes of the zone in which the land is located;**
- (C) To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

- (A) To show the specific location and delimitation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**

- (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;**
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**
- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The proposed development promotes the intended purposes of the DSP. All proposed buildings and structures are located on the plan and meet the required zone location regulations. Open space and landscaping are shown on the landscape plan. SWM facilities are shown on the approved SWM Concept Plan, No. 51711-2019-00. However, this concept plan has now expired. Therefore, a condition has been included herein requiring the applicant to provide a new, approved SWM concept plan prior to the certification of this DSP. All street furniture and building features are included in the architectural elevations. The applicant has indicated that a board of trustees will ensure the maintenance of all common areas, including the SWM facilities.

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...**

The proposed development demonstrates adequate parking and circulation throughout the site. The subject application proposes access to the site via an existing access point on MD 197. A second access point currently exists on MD 197, along the property's frontage, and will be removed with this

application. The existing site consists of a single-family detached dwelling unit with a gravel lot, with no parking spaces. With the addition of the proposed place of worship, the applicant proposes a total of 43 parking spaces, 13 of which are compact spaces, and 2 of which are ADA accessible. Staff find that two additional parking spaces are needed to fulfill the parking requirement associated with the existing single-family detached dwelling that will be utilized as a parsonage. Staff has recommended a condition requiring the applicant to add two additional parking spaces to the site plan, fulfilling the parking requirement.

The site plan also provides six bicycle parking spaces on-site, in front of the proposed place of worship, facing MD 197. A condition has been provided requiring the applicant to label the bicycle parking spaces as part of Site Note 22 on the DSP coversheet.

The surface parking is located to the southeast of the building with drive aisles that are 22 feet wide and provide bi-directional traffic throughout the entire parking lot. A striped crosswalk is provided crossing the main drive aisle, which connects to a sidewalk, providing safe pedestrian movement to the entrance of the building. In addition to the sidewalks proposed on-site, a continuous sidewalk is proposed along the site's entire frontage of MD 197 and Snowden Road. Based on the proposed layout, staff find that vehicular and pedestrian circulation is acceptable.

During the initial review of the application, staff requested additional information regarding the operations of the proposed use. The applicant informed staff that the Buddhist Temple differs from other religious uses, in that full occupancy will only occur five times in a single year. The applicant stated that during these events, which are listed in Site Note 22, the parking provided will be able to support all members of the temple and will not require any additional off-site parking. The proposed driveway from MD 197 is 30 feet wide and, as mentioned above, drive aisles on-site are at a minimum 22 feet wide, which will allow for safe vehicular circulation on-site during these annual events. Given the information provided, staff believe the proposed site plan will support the peak hour demand for the use and will not adversely impact the adjacent properties.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...

The proposed development will provide adequate lighting. A photometric plan was provided with this application and staff find that the proposed lighting will enhance the design character by illuminating the architectural design while limiting any glare onto adjacent properties. A condition has been provided requiring the applicant to revise the photometric plan to demonstrate that the maximum

illumination level at all residential lot lines does not exceed 0.5-foot candles.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

The site design techniques include a proposed 6-foot-high, site-tight wood fence along the boundary, with the existing single-family detached dwelling units to the north of the property. Adequate 10-foot-wide landscape buffering is provided along MD 197 and Snowden Road.

(5) Green Area.

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use...

This application meets the green space requirements and a TCC schedule has been provided which demonstrates conformance with this requirement. An adequate variety of landscaping has been provided within the site, in compliance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

(6) Site and streetscape amenities.

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site...

There will be site and streetscape amenities, such as the proposed landscape strips along MD 197 and Snowden Road, with a variety of landscaped material that will contribute to an attractive development.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...

Grading will be completed in accordance with the DSP and an approved erosion and sediment control plan at the time of development. Grading will be performed to minimize environmental impacts and disruption to the existing topography.

(8) Service Areas.

(A) Service areas should be accessible, but unobtrusive...

There are no service areas being proposed as part of this development.

(9) Public Spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.

This DSP does not consist of a large-scale commercial, mixed use, or multifamily development. Therefore, no public space systems are being proposed as part of this development.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with Section 27-277.

Architectural elevations were included with this application, and it was determined that the building materials, including red brick veneer, red clay roofing tiles, and stucco gables are harmonious with the proposed building design.

- 8. 2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The DSP provides the necessary plantings and schedules in conformance with the Landscape Manual, subject to technical corrections and a condition requiring the applicant to substitute two provided ornamental trees screening the property to the north, from the Buddha statue, with two evergreen trees. However, the applicant does meet the requirements of Section 4.7 of the Landscape Manual, and requests alternative compliance (AC-22009) as follows:

The applicant requests alternative compliance from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, along the property lines between the building and parking lot and the northeast and southeast sides of the property (Tables 1–4 on the landscape plans). The applicant seeks relief, as follows:

REQUIRED: Section 4.7(c)(4). Buffering incompatible Uses, adjacent to single-family detached dwellings. Tables 1–4

Minimum Building Setback	40 feet
Minimum Landscape Yard	30 feet
Linear Feet of Property Line	667.26 feet
Plant Units (with 6-foot fence)	402

PROVIDED: Section 4.7(c)(4). Buffering Incompatible Uses, adjacent to single-family detached dwellings. Tables 1–4

Building Setback	26.2 feet
Landscape Yard	Variable (12 feet – 22 feet)
Linear Feet of Property Line	667.26 feet
Plant Units (with 6-foot fence)	630

Justification of Recommendation

The applicant requests alternative compliance from the requirements of Section 4.7(c)(4) of the Landscape Manual, which requires a Type C bufferyard for church or similar place of worship uses adjoining one-family detached dwellings (Medium Impact). Table 4.7-3, Bufferyard Types, requires a minimum building setback of 40 feet, a minimum landscape yard of 30 feet, and 120 plant units per 100 linear feet of property line for a Type C bufferyard. Section 4.7(c)(4)(E)(ii) allows properties within the prior Developing Tier to reduce the plant unit requirement by up to 50 percent, if a 6-foot-high, opaque fence or wall is installed within the bufferyard.

Table 4.7-3 requires a minimum building setback of 40 feet, but the proposed building is setback 26 feet. As shown in Table 1 on the landscape plans, 171 planting units are required along the property line to the rear of the proposed building, but the applicant proposes 220 planting units. The additional 51 planting units along this property line, and the proposed 6-foot fence, will provide adequate screening and achieve the purposes of Section 4.7(c)(4) to buffer incompatible uses.

The unique shape of the property, the location on a corner, the location of the existing single-family detached dwelling proposed to remain, and parking requirements drastically decrease the buildable area for the proposed place of worship, resulting in the encroachment into the 40-foot building setback and a variable width landscape yard. The applicant has proposed a 6-foot fence and 200 additional plant units within the landscape yard, as an alternative design.

This proposed 1.64-acre development has space limitations but provides supplemental plantings to meet the purposes and objectives of Section 4.7. The Planning Director finds the applicant's proposal equally effective as normal compliance with Section 4.7 of the Landscape Manual.

Recommendation

The Planning Director recommends approval of Alternative Compliance AC-22009, from the 2010 *Prince George's County Landscape Manual*, for Section 4.7, Buffering Incompatible Uses, along the site's northeastern property line and a portion of the southeastern property line, subject to technical corrections, as provided in the Recommendation section of this technical staff report.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). A Type 2 Tree Conservation Plan (TCP2-018-2023) was submitted with the DSP application. The site was previously issued a standard letter of exemption from the provisions of the WCO in error that was issued on May 11, 2022. At the time of issuance, based on the information submitted, the property appeared to contain less than 10,000 square feet of woodland and had no previous tree conservation plan approvals. However, upon further investigation, it was determined that woodlands in excess of 10,000 square feet previously existed on-site, and that the clearing of these woodlands occurred without approval between 2014–2018. As of April 2023, three violations were cited by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), as referenced below:

Date	DPIE Violation Number	Citation
4/3/2023	12950-2023	Complaint of illegal construction
4/11/2023	14052-2023	Citation for extending driveway with gravel and concrete pad in front and walkway on property
4/11/2023	14054-2023	Complaint for same as 14052-2023

As a result, the applicant is required to obtain an approved TCP2 that addresses these violations, making their initial standard letter of approval (S-104-2022) no longer valid. To streamline the review of this DSP application, staff agreed to evaluate the mitigation of these violations, along with the proposed development of this DSP, as one TCP2 review.

According to the TCP2, the woodland conservation threshold for this 1.64-acre property is 20 percent of the net tract area, or 0.32 acre. The total woodland conservation requirement, based on the amount of clearing that occurred, is 0.55 acre. The woodland conservation requirement is proposed to be satisfied with 0.55 acre of fee-in-lieu.

Section 25-122(c)(1) of the County Code prioritizes methods to meet woodland conservation requirements. The applicant did not submit an SOJ, requesting approval of fee-in-lieu over other types of mitigation such as on-site or off-site mitigation, as reflected on the TCP2 worksheet. The use of fee-in-lieu is prioritized last after all other options are exhausted on or off-site. Looking at the priorities in the order of on-site preservation is not an option as no woodlands exist on-site.

Next, the site was graded with an existing parking lot that occupies the previous area of woodlands. As a result, there are no available areas to reforest. If the existing/proposed parking lot were reduced, the long-term viability of any reforestation/afforestation on-site would be questionable given how compacted the existing soils are on-site. There are also no existing direct regulated areas within the 2017 *Countywide Green Infrastructure Plan of the*

Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan) to directly tie into off-site, so any woodlands created would be isolated. Specimen tree credit could be used but is only allowed for trees in good condition. Only one specimen tree meets this criteria, Specimen Tree 2, which is a 36-inch white oak in good condition. However, the siting of the proposed SWM facility layout and proposed parking lot necessitates its removal. Looking further at the list of priorities, there are no areas viable for natural regeneration on-site as the site is completely graded and lacks sufficient seed sources. Off-site afforestation/reforestation and off-site woodland preservation are the next viable options, which have a higher priority over fee-in-lieu. Staff recommend that the requirement be changed from fee-in-lieu to off-site mitigation for the 0.55-acre requirement.

A Subtitle 25 variance was submitted for review with this application. The approved Natural Resources Inventory, NRI-150-2019, identifies a total of two specimen trees on-site. The following analysis is a review of the request to remove two specimen trees.

The SOJ requests the removal of two specimen trees identified as Specimen Trees 1 and 2. The condition of the trees proposed for removal ranges from fair to good. The TCP2 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the site, specifically, for the proposed parking lot and associated SWM system.

Technical revisions to the TCP2 are required and included in the conditions listed in the Recommendation section of this technical staff report.

Evaluation

Staff support the removal of the two specimen trees requested by the applicant, based on the findings below, with a condition that is provided within the Recommendation section of this technical staff report. The condition states that the applicant is to replace the specimen trees with two additional native shade trees with a minimum caliper of three inches. Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below, along with a condition of approval, which is included in the Recommendation section of this technical staff report:

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the two specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The specimen trees are in the southeast corner of the site, close to the property line. The specimen trees proposed for removal are not associated with any regulated environmental features (REF) or located in any regulated or evaluation areas within the Green Infrastructure Plan. A summary of each removal impact follows below:

Two Specimen Trees Within Proposed Parking Lot, Stormwater Management (SWM) System and Associated Grading:

Specimen Tree Variance SOJ Table							
Specimen Tree Number	DBH	Common Name	Location	Rating	Impact	Condition Comments	Construction Tolerance
1	38"	White oak	Southeast corner	Fair	Within proposed grading of parking lot.	Lower trunk injury, some dead branches.	Good to medium tolerance. Limiting factors include root zone impacts and climatic intolerance.
2	36"	White oak	Southeast corner	Good	SWM facility construction and grading for both the SWM facility and the parking lot.	Some bark damage.	Good to medium tolerance. Limiting factors include root zone impacts and climatic intolerance.

The table above indicates the two specimen trees requested for removal for grading associated with the proposed parking lot, SWM, and associated grading. White oak species have good to medium construction tolerances but are intolerant of root zone impacts and have climatic intolerance. Both trees' critical root zones have been previously impacted extensively with grading and compaction associated with two existing sheds, a barn, and the existing asphalt parking lot. Specimen Tree 1 has existing damage to the lower trunk and signs of decline including dieback of branches in its canopy. Specimen Tree 2 also has some existing bark damage. Since more than half of these trees' critical root zones are already impacted, any further impacts to these trees' critical root zones will most likely have further detrimental effects on the health of both trees. Removal of these trees is necessary to provide adequate circulation for the parking lot as well as to allow for the SWM system to function properly.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property.

If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed development is a use that aligns with the uses permitted in the R-R Zone. The specimen trees requested for removal are located within the developable parts of the site.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured specimen trees in similar conditions and locations; it would be given the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances, which are the result of actions by the applicant.

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the two specimen trees would be the result of the infrastructure and grading required for the development. The request to remove the trees is solely based on the trees' locations on the site, their species, their condition, and the inability to preserve more than two-thirds of their critical root zone, as required for retention purposes.

(E) The request does not arise from a condition relating to land or building use, either permitted, or nonconforming, on a neighboring property.

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and were not impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request will not violate state water quality standards, nor cause measurable degradation in water quality. Requirements regarding the SWM concept plan will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Both SWM concept plan and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion on the Variance Request

The required findings of Section 25-119(d) were adequately addressed for the removal of two specimen trees, identified as Specimen Trees 1 and 2. The TCP2 shows the location of the trees proposed for removal. Staff recommend that the Prince George's County Planning Board approve the requested variance for the removal of the two specimen trees for the construction associated with this DSP application.

10. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. Section 25-128 of the County Code requires a minimum percentage of TCC on projects that propose more than 5,000 square feet of disturbance. The subject property is located in the RR Zone, which requires a minimum of 15 percent TCC, or 0.25 acre. The subject DSP provides the required schedule demonstrating conformance to these requirements through the provision of new plantings on the subject property.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
- a. **Community Planning**—In a memorandum dated March 8, 2023 (Green to Shelly), the Community Planning Division indicated that, pursuant to Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
 - b. **Transportation Planning**—In a memorandum dated May 26, 2023 (Patrick to Shelly), the Transportation Planning Section noted that the plan is acceptable and meets the findings required for a DSP, as described in the prior Zoning Ordinance.
 - c. **Environmental Planning**—In a memorandum dated May 17, 2023 (Juba to Shelly), the Environmental Planning Section recommended approval of DSP-20002 and TCP2-018-2023, subject to conditions included within the Recommendation section of this technical staff report.
 - d. **Subdivision**—In a memorandum dated May 19, 2023 (Diaz-Campbell to Shelly), the Subdivision Section noted that based on the proposed development, a PPS and final plat are not required at this time. A condition has been included herein, to revise Site Note 13, as 10-foot-wide public utility easements are not required to be provided when there is no requirement for a PPS or final plat.
 - e. **Historic Preservation**—In a memorandum dated February 10, 2023 (Stabler to Shelly), it was noted that the subject property is located within the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (master plan) area. The master plan contains goals and policies related to historic preservation (pgs. 101–104). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicate the probability of archeological sites within the subject property is high. This property was the location of a blacksmith shop and/or wheelwright shop (1860–1878). The existing two-story house was built circa 1937.

Historic Preservation Section staff recommend approval of DSP-20002, Giac Son Buddhist Temple, with no conditions.
 - f. **Permit Review**—In a memorandum dated March 12, 2023 (Barlett to Shelly), it was noted that the plan was acceptable with the technical conditions, which were addressed prior to the completion of this technical staff report.

- g. **Prince George's County Health Department**—In a memorandum dated February 7, 2023 (Adepoju to Shelly), it was noted that the Health Department has completed a desktop health impact assessment review of the DSP submission for Giac Son Buddhist Temple. Conditions have been provided to state the request notes on the DSP coversheet.
 - h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 9, 2023 (Giles to Shelly), DPIE noted comments that will be applicable with the agency's technical permit review.
 - i. **Prince George's County Fire/EMS Department**—In an email dated March 22, 2023 (Reilly to Shrestha), the Fire/EMS Department indicated that all relevant comments were addressed.
 - j. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, the Prince George's County Planning Department has not received any written correspondence from WSSC on this subject application.
 - k. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, the Prince George's County Planning Department has not received any written correspondence from SHA on this subject application.
12. As required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a 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.
13. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**
- No REFs exist on-site; therefore, none will be impacted by the proposed development. Staff find that the REFs were preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).
14. **Community Feedback**—The Prince George's County Planning Department has received written correspondence from the public for this subject application as additional backup from the two previous Planning Board hearings. An analysis of this written correspondence will be published with the resolution for this project.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20002, Type 2 Tree Conservation Plan TCP2-018-2023, and Alternative Compliance AC-22009, for Giac Son Buddhist Temple, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided as follows:
 - a. Add the following site notes on the DSP coversheet:
 - (1) “During the demolition/construction phases of this project, dust should not be allowed to cross over property lines and impact adjacent properties. The applicant shall conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”
 - (2) “During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. The applicant shall conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.”
 - b. Relabel the site notes on the DSP coversheet to be in numerical order.
 - c. Revise Site Note 8 on the DSP coversheet (which will become Site Note 6) and replace “N/A” with “1”, regarding the number of proposed dwelling units.
 - d. Revise Site Note 13 on the DSP coversheet, as 10-foot-wide public utility easements are not required to be provided when there is no requirement for a preliminary plan of subdivision or final plat.
 - e. Revise Site Note 22 on the DSP coversheet to indicate the parking requirement associated with the accessory parsonage, in accordance with Section 27-568(a) of the prior Prince George’s County Zoning Ordinance, and the provided number of bicycle parking spaces.
 - f. Revise Site Note 25 on the DSP coversheet to match the proposed building height identified in the architectural elevations.
 - g. Revise Site Note 26 on the DSP coversheet and relocate the Snowden Road setback under the side setback column.
 - h. Demonstrate conformance to Section 27-442 of the prior Prince George’s County Zoning Ordinance, for the accessory parsonage, within the site notes on the DSP coversheet.
 - i. Demonstrate conformance to Section 27-617 of the prior Prince George’s County Zoning Ordinance, via a signage chart on the DSP coversheet.

- j. Revise the architectural elevations on Sheet 7 to clearly label the material of the proposed attached signage.
- k. Provide a colored rendering of the freestanding signage proposed on Sheet 10.
- l. Provide floor plans for the proposed Buddhist temple.
- m. Provide the dimensions of the building entrance doors on the architectural elevations on Sheets 7 and 8.
- n. Provide the material and color elevations of the Buddha statue and courtyard on Sheet 9.
- o. Revise the DSP parking layout to conform with the additional parking requirement associated with the accessory parsonage, per Section 27-568(a) of the prior Prince George's County Zoning Ordinance.
- p. Relabel the site keynotes on Sheet 4 to be in numerical order and revise the spelling errors in Site Keynote 2.
- q. Provide labels for both bicycle racks on Sheet 4.
- r. Revise the "Landscape Easement" labels on Sheets 4 and 6 to "Landscape Buffer".
- s. Provide separate labels for compact parking spaces and standard parking spaces on Sheets 4, 5, and 6.
- t. Provide dimensions for the setbacks for the existing accessory parsonage on Sheet 4.
- u. Provide dimensions for the courtyard on Sheet 4.
- v. Revise the photometric plan to demonstrate that that the maximum illumination level at all residential lot lines does not exceed 0.5-foot candles.
- w. Revise the landscape plan as follows:
 - (1) Update the plantings schedule on Sheet 12 to state *Juniper horizontalis* (Creeping Juniper) is not a native species.
 - (2) Revise the title of the list of plant species on Sheet 12 to "Plant List" and revise the quantity of Dwarf Inkberry shrubs from 106 to 107.
 - (3) Revise Table 9, Scheule 4.9-1, Sustainable Landscaping Requirements, on Sheet 13 to state the total number of native shrubs is 107.
 - (4) Update the landscape plan and provide two additional native shade trees with a minimum caliper of three inches to replace the two removed specimen trees.

- (5) Update the landscape plan and associated planting schedules to substitute two provided ornamental trees screening the property to the north, from the Buddha statue, with two evergreen trees.
 - x. Revise the Buddha statue height to not exceed the requirements associated with Section 27-442(i) of the prior Prince George's County Ordinance, for properties in the Rural Residential Zone.
 - y. Provide a copy of the approved stormwater management concept plan.
2. Prior to certification of the detailed site plan (DSP), the Type 2 Tree Conservation Plan (TCP2-018-2023) shall be revised, or additional information shall be provided as follows:
- a. Add the standard off-site woodland conservation notes.
 - b. Remove all standard notes that do not pertain to the subject property and replace them with one set of standard notes that do pertain to the subject property.
 - c. Add and complete the property owner's awareness certificate on the TCP2.
 - d. Revise the TCP2 worksheet as follows:
 - (1) Add the correct TCP number to the worksheet.
 - (2) Indicate "Y" in the corresponding box to indicate that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and in a Priority Funding Area.
 - (3) Add the following note on the plan under the specimen tree table:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE]:

The removal of two specimen trees (Section 25-122(b)(1)(G)), Specimen Trees 1 and 2."
 - (4) Change all fee-in-lieu credit to off-site woodland conservation credits required.
 - (5) Remove all previously dedicated land from the TCP2 worksheet.
 - e. Add the TCP2 case number (TCP2-018-2023) to the TCP2 Environmental Planning Section approval block.
 - f. Add the DSP case number (DSP-20002) into the Development Review Division number column of the TCP2 Environmental Planning Section approval block.

- g. Update the Forest Conservation Act Reporting Information (Change Table) as follows:
 - (1) Update the gross tract area with the correct value.
 - (2) Indicate that no fee-in-lieu is being used.
 - (3) Indicate the amount of off-site woodland conservation credits required.
- h. Add the standard specimen tree and critical root zone symbols from the Environmental Technical Manual to the TCP2.
- i. Add the pre-existing tree line to the TCP2, per the approved natural resources inventory.