

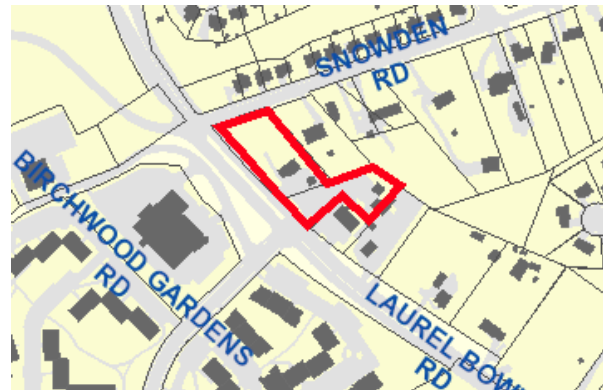


Detailed Site Plan Remand Hearing Giac Son Buddhist Temple

DSP-20002

REQUEST	STAFF RECOMMENDATION
Remand Hearing To construct a place of worship and maintain an existing single-family detached dwelling as a parsonage.	No action on remand

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: Jill Kosack Phone Number: 301-952-4689 Email: Jill.Kosack@ppd.mncppc.org	



Planning Board Date:	09/26/2024
Planning Board Action Limit:	Indefinite
Staff Report Date:	09/12/2024
Date Accepted:	02/02/2023
Informational Mailing:	03/17/2022
Acceptance Mailing:	01/17/2023
Sign Posting Deadline:	08/27/2024

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.



September 12, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Hyojung Garland, Supervisor, Urban Design Section *HG*
Development Review Division

FROM: Jill Kosack, Planner IV, Urban Design Section *JK*
Development Review Division

SUBJECT: **Detailed Site Plan DSP-20002 (Remanded)**
Giac Son Buddhist Temple

BACKGROUND

Detailed Site Plan DSP-20002, Giac Son Buddhist Temple, for the development of a 4,625-square-foot place of worship and maintenance of an existing single-family detached dwelling as an accessory parsonage on a 1.64-acre property, in the Rural Residential Zone, was approved by the Prince George's County Planning Board on September 7, 2023, and a final resolution (PGCPB Resolution No. 2023-98) was adopted on September 28, 2023. The Prince George's County District Council elected to review this application on October 23, 2023, and two persons of record filed appeals dated November 2, 2023. The District Council conducted oral arguments on January 16, 2024, and the Order of Remand was issued on January 25, 2024.

The Order of Remand found the Planning Board's decision erred as a matter of law based on multiple legal errors, as follows: (1) when it concluded that the proposed development was exempt from preliminary plan of subdivision (PPS) approval under Section 24-107 of the prior Prince George's County Subdivision Regulations; (2) when it approved Detailed Site Plan DSP-20002, subject to a condition for the applicant to submit an approved stormwater management (SWM) concept plan at time of certification; (3) the Planning Board's approval of DSP-20002 has improperly included land of an adjoining property owner; and (4) had no evidence that the applicant has the necessary maintenance agreements or arrangements to accommodate overflow parking for large or special events.

ORDER OF REMAND FINDINGS

The Order of Remand was mailed to all parties of record on January 25, 2024. Within the Order of Remand, the District Council ordered the applicant to complete four actions in **bold**, followed by staff analysis, in plain text:

1. **File and obtain Preliminary Plan of Subdivision approval in accordance with the Old Subdivision Regulations. PGCC § 27-270. Among other things, PPS filing, and review should resolve all discrepancies concerning property boundaries, including northeast property boundary and southeastern boundaries. For instance, the record indicates that the church next door has parking on the Applicant's property, which is evidence of more impervious surface. Also, Parcel 30 has part of a building and paved area on the Applicant's property. This evidence should be evaluated at PPS to determine the exact percentage of lot coverage for the proposed development and activity.**

As of the publishing of this memorandum, the applicant has not filed a PPS application in accordance with this point.

2. **File and obtain approval of a revised or amended Detailed Site Plan in accordance with the Old ZO. Among other things, the revised or amended Detailed Site Plan shall comply with all submittal requirements under PGCC § 27-282 of the Old ZO, including any parking plan or any written agreement to effectuate overflow parking for large or special events as part of the proposed development and activity. The revised or amended Detailed Site Plan shall also be accompanied with a detailed floor plan for the proposed development and activity, including whether the floor plan is anticipated to be used, in part, as a commercial kitchen. The revised or amended Detailed Site Plan shall further depict a sprinkler system on the building of the proposed place of worship.**

As of the publishing of this memorandum, the applicant has not filed a revised or amended detailed site plan application in accordance with this point.

3. **File and obtain approval of a revised or amended Detailed Site Plan which shall contain a condition that the Applicant will not utilize any outdoor amplified sound for its activities.**

As of the publishing of this memorandum, the applicant has not filed a revised or amended DSP application in accordance with this point.

4. **File and obtain approval of a Stormwater Management Concept Plan from DPIE, which shall also include approval from State Highway Administration. The revised or amended Detailed Site Plan shall not place or locate any stormwater facility on or within the boundary lines of adjoining property located at 9807 Snowden Road.**

As of the publishing of this memorandum, staff has no indication that the applicant filed a revised or amended SWM concept plan application with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

Pursuant to the District Council's decision in DSP-21001 Suffrage Point, dated March 18, 2024, the District Council interpreted the provisions of Sections 27-285(c) and 27-290 of the prior Prince George's County Zoning Ordinance to require, within 60 days of the transmittal date of a notice of remand for a DSP, that the Planning Board either approve, approve with modifications, or disapprove the plan. In a letter dated April 24, 2024 (Shapiro to Ivey), the

Planning Board indicated that they did not have sufficient time to provide notice and conduct a hearing on the remand of DSP-20002, prior to expiration of the mandatory 60-day period.

On July 17, 2024, the Council Chair directed the Planning Board to conduct a hearing and adopt a Resolution containing its findings, in accordance with Section 27-290(f) of the prior Zoning Ordinance. Pursuant to Section 27-290(f), where the Planning Board determines that it cannot comply with the prescriptions of an Order of Remand adopted by the District Council, the Planning Board's findings as to the reasons for its action, and its decision on the detailed site plan shall be embodied in a resolution, adopted at a regularly scheduled public meeting. The Planning Board's adoption of a resolution under this subsection shall constitute a decision of the Planning Board on the detailed site plan, in accordance with the procedures of this section and Section 27-285 of the Subtitle.

The applicant failed to submit any resubmissions under 1-4 above within the 60-day period. The Planning Board, therefore, was not able to comply with the prescriptions of an Order of Remand.

RECOMMENDATION

Based on the forgoing discussion, the Urban Design Section recommends that the Planning Board adopt an amendment to PGCPB Resolution No. 2023-98 containing the additional findings of this memorandum, with no new conditions.