



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

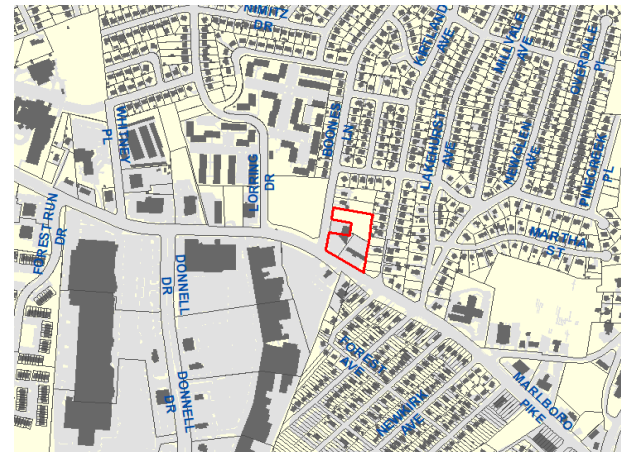
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Special Exception
Alternative Compliance
Word Power Baptist Tabernacle

SE-4694
AC-20017

REQUEST	STAFF RECOMMENDATION
SE-4694: Special exception for approval of a church located on residentially zoned property less than one acre in size and to validate existing on-site development. Variance to the 30-foot front yard setback requirement. AC-20017: Alternative Compliance from Section 4.7c of the Landscape Manual.	APPROVAL with conditions APPROVAL APPROVAL

Location: On the south side of MD 725 (Marlboro Pike), approximately 2,000 feet east of its intersection with Penn Crossing Drive.	
Gross Acreage:	0.646
Zone:	R-18
Dwelling Units:	N/A
Gross Floor Area:	4,568.5 sq. ft.
Parcels:	1
Outparcels:	0
Planning Area:	75A
Council District:	07
Election District:	06
Municipality:	N/A
200-Scale Base Map:	203SE05
Applicant/Address: Word Power Baptist Tabernacle, Inc. c/o Pastor David McLaughlin 2518 Pennsylvania Avenue Washington, DC 20020	
Staff Reviewer: DeAndrae Spradley Phone Number: 301-952-4976 Email: Deandrae.Spradley@ppd.mncppc.org	



Planning Board Date:	03/03/2016 02/11/2021
Planning Board Action Limit:	N/A
Staff Report Date:	02/11/2016 01/27/2021
Date Accepted:	07/15/2013
Informational Mailing:	08/23/2010 10/28/2020
Acceptance Mailing:	07/12/2013 12/15/2020
Sign Posting Deadline:	N/A

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

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: DeAndrae Spradley, Planner Coordinator, Subdivision and Zoning Section,
Development Review Division

SUBJECT: Special Exception SE-4694
Alternative Compliance AC-20017
Word Power Baptist Tabernacle, Inc.

REQUEST: Special exception for approval of a church located on residentially zoned property
less than one acre in size and to validate existing on-site developments.

Variance to the 30-foot front yard setback requirement.

Alternative Compliance from Section 4.7 of the Landscape Manual.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of February 11, 2021.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

1. **Location and Site Description:** The 0.646-acre property is located on the southern side of MD 725 (Marlboro Pike), approximately 2,000 feet east of its intersection with Penn Crossing Drive. The Multifamily Medium Density Residential (R-18) zoned property is located at 5715 Marlboro Pike, in District Heights, Maryland. The site is developed with a 1,866.25-square-foot building used as a 128-seat church with a 32-space parking lot. Direct pedestrian and vehicular access is provided via MD 725. The subject property is in Planning Area 75A and Council District 7.
2. **History and Previous Approvals:** The property is known as Parcel 114 and located on Tax Map 81 in Grid B-2, in the R-18 Zone, and is 0.65 acre. Parcel 114 is an acreage parcel and has never been the subject of a record plat and is a legal parcel. The site was originally improved in 1925 with a 1.5-story, approximately 1,056.25-square-foot building, according to the footprint indicated on the submitted site plan. However, the applicant provides that the 1925 building is approximately 1,993 square feet of gross floor area, which should be clarified on the plans.

In 1986, the property was rezoned from the Local Commercial, Existing Zone to the Mixed Use Transportation-Oriented (M-X-T) Zone via the 1986 *Suitland-District Heights and Vicinity Sectional Map Amendment*. In 1988, Zoning Map Amendment A-9726 was approved by the Prince George's County District Council, rezoning the property from the M-X-T Zone to the Commercial Shopping Center (C-S-C) Zone. The existing church has been in operation since 1997, according to the applicant. Between 2000 and 2005, two building additions were added to the existing structure without the appropriate building permits. The first building addition was an 805-square-foot brick addition to the entrance of the building. The second building addition was a 679.25-square-foot frame addition to the southern portion of the building. With both additions, the existing church has a footprint of approximately 2,540.5 square feet, which is indicated in the general notes on the site plan.

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) rezoned the subject property from the C-S-C Zone to the R-18 Zone.

3. **Neighborhood and Surrounding Uses:** The neighborhood boundaries in this case are MD 725 to the north, Silver Hill Road to the east, Penn Crossing Drive to the west, and MD 4 (Pennsylvania Avenue) to the south. The uses immediately surrounding the proposed special exception are as follows:

North— MD 725 and property zoned R-55, developed with American Legion Post Suitland 196 beyond.

East— Property zoned R-18, developed with the Dunhill Village Apartments.

South— Undeveloped property zoned R-18.

West— Property zoned R-18, developed with Koppers Fabricators, Inc.

4. **Request:** The purpose of this application is to obtain approval for the church use and expansion of the existing building. The applicant is requesting the following:

- A special exception to validate the existing church use located on a residentially zoned property less than one acre in size in the R-18 Zone;
- To validate several building additions that were added to the existing church over time without approved building permits from the Prince George's Department of Permitting, Inspections and Enforcement (DPIE). The site plan also indicates a future addition of 2,028 square feet (with a footprint of 1,452 square feet based on the measurements provided on the site plan) to the western portion of the existing church. It is unclear if the applicant intends to seek approval of the future addition at this time, as no elevations have been provided and the square footage has not been included in lot coverage calculations. If the future expansion is proposed and approved with this application, it will increase the total development to 4,568.5 square feet of gross floor area, based on adding 2,028 square feet, which should be verified by the applicant.
- A variance to the 30-foot front yard setback requirements of the R-18 Zone, per Section 27-442(d) of the Prince George's County Zoning Ordinance; and
- Alternative compliance from the provisions of Section 4.7(c)(4) of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requiring a Type 'B' Bufferyard, consisting of a 30-foot building setback and a 20-foot landscaped yard, to buffer a Medium Impact use (Church) from multifamily residential development, along the eastern property line.

It is noted that this application was previously evaluated, and a recommendation was provided by the Prince George's County Planning Department on March 3, 2016 based on a Site and Landscape Plan dated May 20, 2013, which was submitted at that time for staff review. That recommendation noted deficiencies in the submitted site plan, specifically regarding compliance with the Landscape Manual and setback requirements. The applicant has now filed companion alternative compliance and variance requests. The analysis contained herein evaluates the revised plan dated June 21, 2016, including the alternative compliance and variance requests. New informational and acceptance mailings were completed by the applicant for the variance request, as noted on the coversheet of this report.

5. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Church	Church
Acreage	0.646	0.646
Parcels	1	1
Outparcels	0	0
Gross Floor Area	2,540.50 sq. ft.	4,568.50 sq. ft. (including future expansion)

- ## 6. Required Findings:
- A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Zoning Ordinance. Part 4, Division 3, of the Zoning Ordinance also includes additional required findings for specific

uses. A church is subject to the additional findings of Section 27-341.02 of the Zoning Ordinance. The analysis of all the required findings for approval is provided below.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-102(a)(1) through (15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services.

Specific to the R-18 Zone, as set forth in Section 27-436(a)(1) of the Zoning Ordinance, the purpose for the R-18 Zone is as follows:

- (A) To make available suitable sites for multifamily developments of low and moderate density and building bulk;**
- (B) To provide for this type of development at locations recommended in a Master Plan, or at other locations which are found suitable by the District Council;**
- (C) To provide for this type of development at locations in the immediate vicinity of the moderate-sized commercial centers of the County; and**
- (D) To permit the development of moderately tall multifamily buildings, provided they are surrounded by sufficient open space in order to prevent detrimental effects on the use or development of other properties in the general vicinity.**

The subject property was originally used for single-family residential purposes before converting to a religious use. Staff finds that the use and the site plan, as proposed, will be in harmony with the purposes of this Subtitle, given the analysis and recommended conditions contained herein.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

As outlined within this technical staff report, this application has demonstrated conformance with the requirements and regulations of the Zoning Ordinance. Conformance to the requirements and regulations, specifically, the setback requirements, the Landscape Manual, parking conversions, and signage, are evaluated further in this technical staff report and addressed with recommended conditions of approval, as appropriate.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The subject site is located within the area of the Marlboro Pike Sector Plan and SMA, which recommends a residential land use for the property. Although the church use is not considered a residential use, it is a permissible use when a special exception is granted. Since 1997, the church has operated at the subject location.

The purpose of this application is to obtain a use and occupancy permit for the existing church. Staff finds that the proposed use would serve as a transition between the metal fabricator use west of the property and the multifamily residential use (Dunhill Apartments) to the east.

Staff finds that the proposed use as a church does not substantially impair the integrity of the Marlboro Pike Sector Plan and SMA.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

There are no adverse impacts associated with this proposal. Since 1997, the church has operated on the subject site. The proposal, with the recommendations, will meet all regulations of the Zoning Ordinance and will not have a negative impact on the health, safety, or welfare of nearby residents or workers in the area. The proposed addition would have a negligible impact on the adjacent transportation network and no safety issues are anticipated with the church.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The validation of the existing use, development, and future expansion of the church will not be detrimental to the use or development of adjacent properties or the general neighborhood. There is no vehicular access from internal streets or adjacent properties and the parking is contained on-site.

The surrounding properties have existing residential, commercial, and industrial development. The industrial and multifamily uses and the church use are designated as incompatible uses per the Landscape Manual. The two primary ways that compatibility between uses can be achieved is through the buffering provisions of the Landscape Manual and, in this case, the required setbacks prescribed therein. The requirements of the Landscape Manual are evaluated further in this technical staff report.

The changes to the building (church) have not impeded development that has come to the area within or proximate to the neighborhood. Staff finds that the proposed use as a church will not detrimentally impact the use or development of adjacent properties.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

Since the subject site is less than 40,000 square feet in area and has no previously approved tree conservation plan, the site is exempt from the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and a Standard Letter of Exemption (EL-179-15) was issued by the Environmental Planning Section; however, this Letter of Exemption expired on October 15, 2017 and Staff is recommending for the applicant to apply for an updated standard letter of exemption. On October 15, 2015, the Environmental Planning Section approved Natural Resources Inventory (NRI) Equivalency Letter NRI-198-2015 for the site, which expired on October 15, 2020 and Staff is recommending the applicant to apply for an updated NRI equivalency letter.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

This special exception site plan does not contain any regulated environmental features and, therefore, conforms to this requirement.

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The subject site is not located within the Chesapeake Bay Critical Area Overlay Zone. Therefore, the required findings outlined in Subsection (b) above do not apply.

Specific Special Exception Requirements—In addition to the requirements of Section 27-317(a), Part 4, Division 3, of the Zoning Ordinance provides the following requirements for the specific use proposed:

Section 27-341.02. – Church or similar place of worship.

(a) A church or similar place of worship may be permitted, subject to the following:

- (1) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;**

The minimum setback requirement of 25 feet is met from all lot lines. However, it is noted that the R-18 Zone prescribes greater minimum front

and rear yard setbacks of 30 feet. Compliance with the zone standards is evaluated further in this technical staff report. In addition, the Landscape Manual prescribes required landscape bufferyards and setback requirements where abutting incompatible uses are proposed. The requirements of the Landscape Manual are evaluated further in this technical staff report.

- (2) When possible, ingress and egress should be located so as to direct traffic away from streets that are internal to a residential subdivision;**

Ingress and egress to the property is via MD 725, which is appropriate.

- (3) The applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect adjacent residential neighborhoods;**

All parking is internal to the subject site and will not adversely affect the adjacent residential neighborhoods.

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

The majority of the on-site parking is located at the side and rear of the subject property. There is one existing parking space in the front yard of the subject site; however, it will not negatively impact the aesthetic along MD 725, since majority of the parking spaces are located in the side and rear yards.

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

The maximum allowable lot coverage for a church in the R-18 Zone is 60 percent. The proposed lot coverage is 48.8 percent (13,720 square feet); however, the expressed lot coverage does not include the proposed building addition with a footprint of 1,452 square feet. With the proposed future addition, the updated proposed lot coverage would be 54 percent (15,172 square feet), which complies with maximum lot coverage requirements for the subject site.

The site plan requires revisions to show a 60 percent maximum allowable lot coverage for the site. The plans currently reflect a maximum requirement of 50 percent lot coverage; however, that requirement is applicable to churches on lots between 1 and 2 acres. The site plan should also be revised to show a proposed lot coverage calculation, which includes the future building addition, if proposed and approved with this application.

- 7. Parking Regulations:** The proposed development is required to provide parking, in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. One parking space per four seats in the main auditorium is required for a church. There are 128 seats proposed for the church, requiring 32 parking spaces, per the Zoning Ordinance. The site plan correctly illustrates the 32 required parking spaces.

8. **2010 Prince George's County Landscape Manual Requirements:** The proposed project is subject to the requirements of the Landscape Manual, as follows:

Section 4.2, Requirements for Landscaped Strips along Streets—The proposal is not subject to Section 4.2 because MD 725 is a designated historic road. Therefore, the property's road frontage is subject to requirements of Section 4.6 instead, which is evaluated further below.

Section 4.3-1, Parking Lot Perimeter Landscape Requirements—Per Section 4.3(c)(1)(A), when the adjacent property is an incompatible use, as defined in Section 4.7, Buffering Incompatible Uses, parking lots shall be set back and buffered from adjacent property lines, in accordance with those requirements of Section 4.7. The property to the south of the subject property is a vacant, residentially zoned land (R-18), which is presumed for multifamily development, in accordance with the Landscape Manual, and considered an incompatible use requiring a Type 'B' Landscape Bufferyard to comply with Section 4.7. The applicant provided Schedule 4.3-1 for the southern property line on the site plan. The applicant will need to remove Schedule 4.3-1 from the site plan and provide Schedule 4.7-1 with the corresponding landscaping for the southern property line.

Section 4.3-2, Interior Parking Lot Landscape Requirements—The Section 4.3-2 landscape schedule indicates the interior parking lot planting area proposed is 979 square feet, which would require a total of four shade trees be provided (one per 300 square feet or fraction thereof the total area). The schedule indicates three shade trees are required and three are provided. The landscape plan and schedule require revision to meet the minimum requirement.

Section 4.4, Screening Requirements—The submitted site plan does not indicate any exterior trash facilities, mechanical equipment, or loading spaces that would require screening by this section.

Section 4.5, Stormwater Management Facilities—Since the special exception does not indicate any proposed stormwater management facilities, this section is not applicable to the subject project.

Section 4.6, Buffering [Residential] Development from Streets—The property is subject to this section along its MD 725 frontage, which is a designated historic road. In the Developed Tier, a minimum 10-foot-wide buffer with one shade tree and 10 shrubs per 35 linear feet of frontage is required for buffering. The applicant has provided a 10-foot-wide landscape buffer along the MD 725 right-of-way in the front yard and complies with this section.

Section 4.7, Buffering Incompatible Uses—The special exception is subject to the requirements of Section 4.7 because it involves an increase of more than 10 percent of the gross floor area of the building. It should be noted that the unpermitted expansions of the building are treated as new development when evaluating for conformance with Subtitle 27, including the Landscape Manual. Section 4.7 bufferyards are required along the following property lines:

East: A Type 'B' Landscape Bufferyard, including a 20-foot-wide landscape yard with 80 plants per 100 linear feet of property line and a minimum building setback of 30 feet, is required. Schedule 4.7-1 on the site plan indicates that there is 185 linear feet along the eastern property line, which would require a total of 148 plant units. The applicant proposes a 0- to 20-foot-wide landscape yard (with an average width of 6.8 feet over the full width of the landscape yard), along the eastern property line and has requested alternative compliance to the requirements of the Landscape Manual. The applicant also proposes 89 plant units within this landscaped yard area.

The Landscape Manual allows for the bufferyard requirements to be reduced by up to 50 percent for properties located in the Developed Tier, if a 6-foot-high, opaque fence or wall is located within the bufferyard, provided the adjoining use is not existing residential. In this case, the adjoining use is a residential multifamily building, so this reduction does not apply by right; however, the applicant provided a 6-foot-high opaque fence that was considered with the Alternative Compliance (AC-20017) toward a reduction in the required plant units. The proposed opaque fence will significantly minimize the site's negative impacts on the adjoining multifamily residential use. The Alternative Compliance Committee found that the applicant's proposal is equally effective as full compliance with Section 4.7 of the Landscape Manual, given the existing conditions of the eastern side of the site that predate the Landscape Manual. The provision of the proposed plant units, in combination with the installation of a 6-foot-high opaque fence, and overall planting layout provides for equally effective buffering of the adjacent incompatible uses and approval of the alternative compliance application is recommended. The alternative compliance report and recommendation dated December 9, 2020 is incorporated by reference herein and provided in the backup to this technical staff report.

West: A Type 'B' Landscape Bufferyard, including a 20-foot-wide landscape yard with 80 plants per 100 linear feet of property line and a minimum building setback of 30 feet, is required. As previously noted, the Landscape Manual allows for the setback and landscape yard to be reduced by up to 50 percent for properties located in the Developed Tier, if a 6-foot-high opaque fence or wall is located within the bufferyard, provided the adjoining use is not existing residential. The adjoining use to the west of the subject property is industrial and the applicant has provided the required fencing to reduce the bufferyard requirements by 50 percent, as shown in Schedule 4.7-1. As such, the applicant meets the requirements of Section 4.7 by providing a 10-foot-wide landscaped yard along the western property line and 25-foot building setback (minimum 15-foot setback required). Schedule 4.7-1 on the site plan indicates 190 linear feet of property line on the western property line, which would require a total of 152 plants in the landscaped yard area. The applicant proposes 76 plants within this landscaped yard area, which complies with Section 4.7, given the 50 percent reduction allowed.

South: The southern abutting property is vacant, but zoned R-18. A Type 'B' Landscape Bufferyard, including a 20-foot-wide landscape yard with 80 plants per 100 linear feet of property line and a minimum building setback of 30 feet, is required. A 20-foot-wide landscaped yard area is available along the southern property line; however, the applicant needs to provide a Schedule 4.7-1 on the site plan, to demonstrate compliance with Section 4.7. As previously mentioned, the

applicant will need to remove Schedule 4.3-1 from the site plan and provide a new Schedule 4.7-1 with the corresponding required landscaping for the southern property line. It is noted that bufferyard requirements may be reduced up to 50 percent if a 6-foot-high, opaque fence is provided, given the abutting residential zoned land is vacant (pages 90–91, Landscape Manual).

Section 4.9, Sustainable Landscaping Requirements - The minimum percentage of each plant type that are required to be native species and/or native species cultivars for the subject site is specified below:

Shade trees: 50 percent;
Ornamental trees: 50 percent;
Evergreen trees 30: percent; and
Shrubs: 30 percent.

Per Schedule 4.9-1 on the site plan, the site requires 7 native shade trees, 3 native ornamental trees, 6 native evergreen trees, and 35 native shrubs. The applicant provided 13 native shade trees, 3 native ornamental trees, 10 native evergreen trees, and 71 native shrubs. As such, the special exception meets the requirements of Section 4.9 for all proposed plantings. The applicant should update the site plan to clearly identify and list the name of each tree that is proposed as shade, ornamental, and evergreen on the landscape schedule. The applicant should also update the landscape schedule to denote the native species proposed on the site plan. The landscape schedule and the Section 4.9 schedule will need to be updated regarding the plant quantities, as the landscaping is revised to address the above deficiencies.

9. **Tree Canopy Coverage:** This application is subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the R-18 Zone and required to provide 15 percent of the site area in tree canopy coverage (TCC). The subject site is 0.65 acre, therefore 4,226 square feet of TCC is required. The TCC schedule provided on the site plan indicates that 4,335 square feet of coverage is to be provided, which satisfies the TCC requirements.
10. **Signage:** Per Section 27-617(a) of the Zoning Ordinance, the following sign design standards are required for the subject site:
 1. **Maximum area for each sign - 48 square feet.**
 2. **Maximum height - 8 feet above finished grade at base of sign.**
 3. **Minimum setback - 15 feet from adjoining land in any Residential Zone.**
 4. **Type allowed - freestanding or attached to a building.**
 5. **Maximum number – 1 per street the property fronts on (must face street frontage).**

The site plan indicates one 3-foot-high, 24-square-foot, wood, painted freestanding sign is proposed to remain on the site. The sign is located about 42 feet from the eastern property line and about 91 feet from the western property line. The applicant's signage for the subject site complies with the regulations set forth in Section 27-617(a).

- 11. Zone Requirements and Variance Request:** Regulations for development of a church in the R-18 Zone are set forth in Section 27-442, and analysis of those regulations are as follows:

	Required	Provided
Minimum Lot Size	16,000 sq. ft.	28,170.25 sq. ft
Minimum lot width at the building line	85 ft.	141.32 ft.
Minimum lot width at the street line	85 ft.	141.32 ft.
Minimum Setbacks:		
Front Yard	30 ft.	25 ft.**
Side Yard	30 total/ 10 ft. minimum*	25 ft. and 45.5 ft.
Rear Yard	30 ft.	130.64 ft.
Maximum Lot Coverage	60%	48.8%***
Maximum Building Height	40 ft.	18 ft.

Notes: *Where the Landscape Manual provides for a greater required setback, the Landscape Manual has been applied.

**Variance requested to the minimum requirement.

***The provided lot coverage value is based on the submitted site plan, which does include the future building expansion.

Section 27-442 establishes setback requirements for the minimum front yard for development. The minimum front yard requirement for the R-18 Zone is 30 feet. The existing building on the subject property was constructed in 1925. In 2009, the subject property was rezoned to the R-18 Zone. The corner of the existing structure is 25 feet from the front lot line. Between 2000 and 2005, the existing structure, along the front lot line, was constructed as an addition without a building permit, and should now be evaluated as a proposed addition. The applicant is requesting a variance to the front yard requirement and has provided a statement of justification (SOJ) addressing the required findings for approval of a variance, which is evaluated below. It is noted that the structure is 25 feet from the lot line, but the ultimate right-of-way line encroaches into the site, and the applicant's SOJ indicates that the structure is approximately 18.6 feet from the ultimate right-of-way line. These measurements should be clearly distinguished on the site plan. As such, the applicant is requesting a 11.4-foot variance to the 30-foot front yard requirement.

Section 27-230(a) of the Zoning Ordinance provides the following findings for approval of a variance:

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

The applicant states that the C-M Zone only required a 10-foot front yard setback, which would have been applicable when the additions were constructed. At the time the additions were constructed, staff finds that the prior zone was C-S-C. Staff is not of the opinion that a variance is justified based on constructing an unpermitted addition in the time frame of the prior zoning. However, the applicant provides further justification indicating that the current owner did not construct the additions, but nonetheless, is attempting to validate the conditions as they had purchased the property (2006) intending to use and expand the building further based on the existing footprint.

The applicant further justifies that the R-18 Zone setback requirement is generally applicable to multifamily development and not specific to a church use. The use table requires the 30-foot setback for “all other uses,” in accordance with the multifamily requirements. The applicant provides that the existing development and use do not pose any problems to the surrounding neighborhood, and that denial of the variance would require demolition of the building and cease of use of the church, which has been operating for many years. The area sector plan, as discussed further below, also recommends buildings be constructed to the street frontage with limited setbacks. In consideration of all of these factors, an extraordinary situation exists for this property.

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

The applicant provides that the existing building construction adds to the aesthetic and is in keeping with the character of the neighborhood, and that the church provides charitable needs and goods for the community. The applicant provides that demolition of the building would be an unusual and practical difficulty and exceptional hardship, as it would jeopardize the existing aesthetic and ability of the church to serve the community to its full potential. Given the recommendations of the sector plan regarding building setback and the justification given by the applicant, staff finds the above criteria is met.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The variance will not substantially impair the intent, purpose, or integrity of the Approved Marlboro Pike Sector Plan and SMA. Per the Marlboro Pike Sector Plan, the Marlboro Pike Corridor is envisioned as a safe, attractive, walkable, and vibrant community where people live, work, shop, dine, and recreate. The Marlboro Pike Sector Plan recommends the following guidelines for development:

- Encourage new buildings to be built up to the sidewalk without setbacks, with entrances and windows along the street frontage;
- Building height should range from two to four stories;
- Building façades should provide pedestrian-scale architectural features; and

- New buildings should be built with an orientation facing MD 725 and with limited setback.

The front of the existing church building, including the proposed addition, is set back 25 feet from the front property line (approximately 18.6 feet from the ultimate right-of-way) with a building height of 18 feet and faces MD 725. This is consistent with the general recommendations of the Marlboro Pike Sector Plan.

A church has been operating on the site since 1997 and the applicant's SOJ indicated that the church intends on sustaining its strong presence to the neighboring community for many more years. Since the use as a church is permitted by special exception in the R-18 Zone, and since the applicant's proposal to retain an addition to the existing building has a minimal impact on the surrounding uses, the granting of the requested variance will not impair the integrity of the 2014 *Plan Prince George's 2035 Approved General Plan* or Master Plan.

- 12. Referral Comments:** The following referrals were received and incorporated into the record when this application was initially reviewed. Some of the comments provided with the original review have been addressed and the comments that remain outstanding are discussed herein.
- a. **Subdivision Section** dated September 17, 2013 (Nguyen to Thompson)—Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision (PPS) because the total proposed development constructed after 1991 does not exceed 5,000 square feet. The site plan should note the date the original building was constructed on-site and then the cumulative total gross floor area of development approved after 1991. In the future, if the total gross floor area of development on-site is more than 5,000 square feet after 1991, a PPS will be required. The general notes on the site plan should indicate that the subject property is identified as Parcel 114. There are no other subdivision issues at this time.
 - b. **Urban Design Section** dated August 9, 2013 (Kosack to Thompson)—Staff recommends the applicant provide colored, detailed architectural elevations for all sides of the proposed building addition, including identification of construction materials and how it relates to the existing building, for review and approval. Otherwise, the proposed addition should be removed from the site plan and a revision to this special exception site plan filed at the time the building addition is proposed.
 - c. **Community Planning Section** dated August 8, 2013 (White to Thompson).
 - d. **Transportation Planning Section** dated August 13, 2013 (Jenkins to Thompson)—The existing church has direct access to MD 725 via a commercial entrance. This commercial entrance should meet current Prince George's County Department of Public Works and Transportation road standards, which will be evaluated further when the applicant applies for an access permit from DPIE.

MD 725 is listed in the Marlboro Pike Sector Plan and SMA as a collector roadway with 80 to 100 feet of right-of-way and two to four lanes. This plan recommends a main street streetscape (typical section) with bike lanes from Penn Crossing Drive to Viceroy Avenue. The site plan shows an existing variable right-of-way width and the ultimate right-of-way for MD 725. Dedication of 40 feet from the master plan centerline of MD 725 may be required at the time of permitting.

- e. **Environmental Planning Section** dated December 9, 2015 (Schneider to Thompson).
- f. **Special Projects Section** dated July 26, 2013 (Mangalvedhe to Thompson).
- g. **Permit Review Section** dated December 5, 2015 (Hampton to Thompson).

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Multifamily Medium Density Residential (R-18) Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the R-18 Zone.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the Prince George's County Zoning Ordinance. These findings include those in Section 27-317 (in general) and Section 27-341.02, of the Zoning Ordinance, for a church. Therefore, Staff recommends **APPROVAL** of Special Exception SE-4694, Variance to the front yard setback, and Alternative Compliance AC-20017 for Word Power Baptist Tabernacle, Inc., subject to the following conditions:

1. Prior to certification of the special exception, the following revisions shall be made to the site and landscape plan:
 - a. Provide a Schedule 4.7-1 on the site plan showing a Type 'B' Landscape Bufferyard, in accordance with Section 4.7 of the 2010 *Prince George's County Landscape Manual*, along the southern property line (vacant residential site).
 - b. Update the site plan to show a 60 percent maximum allowable lot coverage for the site.
 - c. Label the number of stories of the building and clarify the gross floor area, for the 1925 building and each addition.
 - d. Regarding the future building addition shown on the plans, clarify if the addition is proposed at this time or remove the addition from the plans. If the addition is proposed at this time, provide the following:

- (1) Provide colored, detailed architectural elevations of all sides of the proposed building addition, including identification of construction materials and how it relates to the existing building.
 - (2) Clarify the proposed square footage and number of stories.
 - (3) Building-mounted lighting shall be shown on architectural elevations.
 - (4) Revise the proposed lot coverage calculation to account for the building expansion and update the total proposed square footage in the general notes.
- e. Update the landscape schedule to clearly identify each species as native or nonnative.
- f. Revise the proposed landscaping and landscape schedule for compliance with Section 4.3-2 of the 2010 *Prince George's County Landscape Manual*, demonstrating a minimum of one shade tree for each 300 square feet of interior planting area and fraction thereof is required and provided.
- g. Clearly dimension the front building setback from the ultimate right-of-way line.
- h. Identify the subject property's existing Parcel designation in the general notes.
- 2. Prior to certification of the special exception, the following items shall be submitted:
 - a. A photometric plan shall be provided demonstrating conformance to Section 27-562 of the Prince George's County Zoning Ordinance.
 - b. Provide a valid approved standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
 - c. Provide a valid approved Natural Resources Inventory (NRI) Equivalency Letter.