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

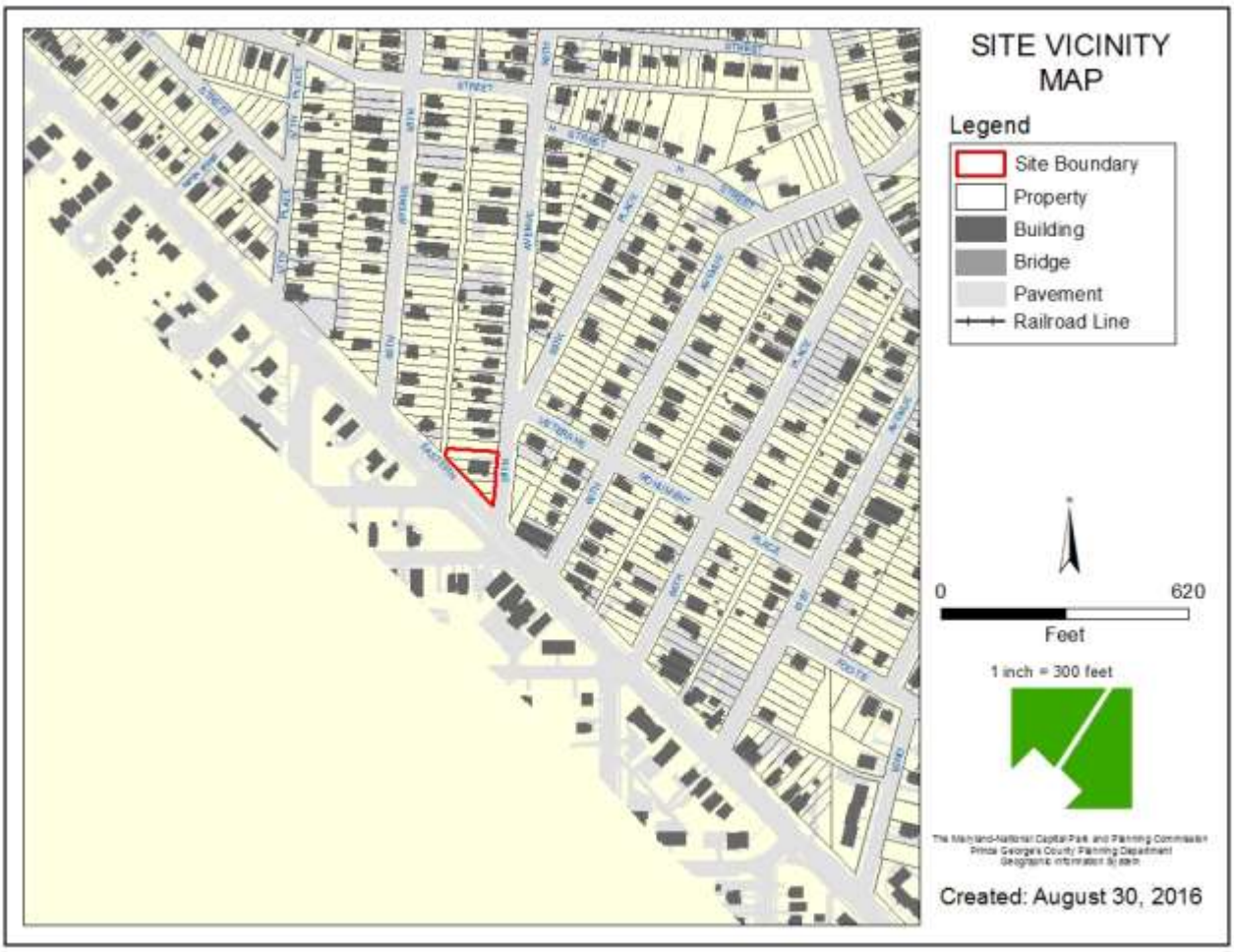
Note: *Staff reports can be accessed at* www.mncppc.org/pgco/planning/plan.htm.

Special Exception SE-4750
Departure from Parking and Loading Standards DPLS-425

Application	**General Data**	
Project Name: Sheriff Road Seventh Day Adventist	Planning Board Hearing Date:	02/02/17
	Staff Report Date:	01/17/17
Location: Northeast of Eastern Avenue at the intersection of Eastern Avenue and 59th Avenue.	Date Accepted:	08/29/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.2860
Applicant/Address: The Seventh Day Adventist Church of Sheriff Road 602 59th Avenue Capitol Heights, MD 20743	Zone:	R-55
	Gross Floor Area:	2,181 sq. ft.
	Lots:	5
	Parcels:	N/A
Property Owner: The Seventh Day Adventist Church of Sheriff Road 602 59th Avenue Capitol Heights, MD 20743	Planning Area:	72
	Council District:	05
	Election District	18
	Municipality:	Fairmount Heights
	200-Scale Base Map:	201NE05

Purpose of Application	**Notice Dates**	
SE-4750: Special exception for a church located on residentially-zoned property on less than one acre.	Informational Mailing	12/23/15
DPLS-425: Departure from parking and loading standards from the required ten parking spaces.	Acceptance Mailing:	07/06/16
Variance from Section(s) 27-341.02(a)(1) and 27-442(e) as to setback requirements.	Sign Posting Deadline:	01/02/17

Staff Recommendation		**Staff Reviewer:** Ivy R. Thompson **Phone Number:** 301-952-4326 **E-mail:** Ivy.Thompson@ppd.mncppc.org	
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		


SITE VICINITY MAP
Legend
Site Boundary
Property
Building
Bridge
Pavement
Railroad Line
0
620
Feet
1 inch = 300 feet
Created: August 30, 2016

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: Christina Pompa, Interim Supervisor, Zoning Review Section, Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4750**
Departure from Parking and Loading Standards Application No. DPLS-425
Variance requests from Section(s) 27-341.02(a)(1) and 27-442(e)
Sheriff Road Seventh Day Adventist

REQUEST: **The applicant is requesting a special exception to operate a 40-seat church within the existing structure originally constructed as a single-family dwelling, variances from the 25-foot setback requirement of Section 27-341.02(a)(1) and the 25-foot front and side yard setback requirements of Section 27-442(e) along Eastern Avenue and 59th Avenue, and a departure from parking and loading standards for ten of the required ten off-street parking spaces.**

RECOMMENDATION: **SE-4750 – APPROVAL with conditions**
Variance Request of Section(s) 27-341.02(a)(1) and 27-442 e, Yards
DPLS-425 – APPROVAL

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of February 2, 2017. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

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

A. **Location and Field Inspection:** The subject property, 602 59th Avenue, Fairmount Heights, Maryland, 20743, is a triangular-shaped polygon, which consists of Lots 71–75, located at the intersection of Eastern Avenue and 59th Avenue. The corner property has frontage on both 59th Avenue and Eastern Avenue. The property is zoned One-Family Detached Residential (R-55) and is approximately 0.29 acre. The proposed use of the property is for a 40-seat church. The currently vacant property is improved with a one-story brick and frame residence with a basement and has a gross floor area (GFA) of 2,181 square feet. The property has vehicular access via a side driveway on 59th Avenue, which provides limited off-street residential parking.

B. **Development Data Summary:**

	EXISTING	**PROPOSED**
Zone(s)	R-55	R-55
Use(s)	Residential	Residential
Acreage	0.2860	0.2860
Lots	5 (70–75)	5 (70–75)
Square	2,181	2,181

C. **History:** The subject property is known as Lots 71 through 75, Block D, of the Fairmount Heights Subdivision. The property is located on Tax Map 65 in Grid F-3. The property is the subject of final plat of subdivision recorded in Prince George's County Land Records on October 3, 1930 as BB 5 at Plat No. 85.

D. **Master Plan Recommendation:** This application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), which designates this area as an Established Community (page 106). This application is consistent with the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA) which designates this area for infill development that complements the existing neighborhood scale and character to reinforce the area's cohesiveness (page 97). There are no Master Plan issues with regard to these applications.

E. **Request:** The applicant is requesting a special exception (SE-4750) to operate a 40-seat church within the existing structure originally constructed as a single-family dwelling and variances from the 25-foot setback requirement of Section 27-341.02(a)(1) and the 25-foot front and side yard setback requirement of Section 27-442(e) along Eastern Avenue and 59th Avenue and a Departure from Parking and Loading Standards (DPLS-425) for ten of the required ten off-street parking spaces. The applications are not proposing any additional buildings or GFA. All applications are discussed in this report.

F. **Neighborhood and Surrounding Uses:** The immediate neighborhood can generally be characterized as residential in nature. The neighborhood surrounding the subject property is mostly residential in character and is predominately developed with a mix of single-family detached dwellings. The neighborhood boundaries in this case are identified as follows:

North— Sheriff Road

East— Addison Road

South— Martin Luther King Jr.

West— Eastern Avenue

The subject property is surrounded by single-family residences in the R-55 Zone. The uses immediately surrounding the proposed special exception are as follows:

North— Single-family residences zoned R-55.

East— 59th Avenue and single-family residences zoned R-55.

South and West— The District of Columbia boundary line and Eastern Avenue.

G. **Specific Special Exception Requirements:** Pursuant to Section 27-341.02 of the County Zoning Ordinance, Churches or similar places of worship, and may be permitted provided subject to the following requirements:

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

Comment: The existing single-family residence does not meet this requirement. The minimum setback requirements are met at the rear and east sides of the property. However, the setback on the west side of the property on Eastern Avenue is 24.4 feet and at 59th Avenue the building is setback 20.8 feet. The applicant has requested a variance of approximately 0.6 feet on Eastern Avenue and approximately 12.8 feet on 59th Avenue for these setback requirements.

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

Comment: The subject property is located in the midst of a residential neighborhood on a corner lot. Ingress and egress to the property is via a driveway on 59th Avenue north of the existing structure. There are no other vehicular entry points to the property, nor are any proposed in this application.

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

Comment: The applicant has indicated that there is sufficient parking available along Eastern Avenue and has requested a departure from the parking requirements. The small size of the congregation will not substantially increase the amount of traffic generated by the church use. The building and proposed use is internal to the subject site and will not adversely affect adjacent residential neighborhoods.

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

Comment: The applicant is not proposing on-site parking. Residential parking is located at the east side of the subject property. All other available parking is via off street parking available along Eastern and 59th Avenues. Most other residences along 59th Avenue have driveways, which provide off-street parking.

(5) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased. (CB-23-1993; CB-23-2009)

Comment: The proposed use does not increase the maximum allowable lot coverage in the R-55 Zone.

H. **Variance Request from the 25-foot setback requirement of Section 27-341.02 and the 25-foot front and side yard setback requirement of Section 27-442 e):** Section 27-341.02 of the Zoning Ordinance prescribes that Churches or similar places of worship may be permitted provided it is located at least 25 feet from each lot line. Section 27-442(e) Yards requires 25-foot side and front yard setbacks. The site plan shows that this required setback is not being met along the northeast and western property lines. A maximum reduction of 12.8 feet to the northeast and 0.6 feet to the west is sought. The subject property includes five existing record lots, which is indicative of how the surrounding properties were similarly developed with structures on multiple adjoining Lots.

Section 27-230(a)(1) provides the following findings for approval of a variance:

(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

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

Comment: The subject property is an unusual four-sided polygon that resembles a triangle. The existing structure, previously used as a single-family dwelling, was built in 1930, prior to the 25-foot setback requirement for residential properties, which at the time was in conformance to setbacks for a residential use. The existing site has exceptional narrowness in that the existing structure is only 0.6 feet short of meeting the requirement, along Eastern Avenue, the boundary line for the District of Columbia. At 59th Avenue, the building setback is 12.8 feet short of the requirement, which is consistent with the 1930 development standards. These existing site constraints leave the applicant no reasonable alternative for conformance.

(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

Comment: Existing special exception setbacks requirements do not recognize the long existing nature and conditions of this structure which was constructed prior to their enactment. 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, because in the event that the variance is not approved, the church could not operate. This is an undue hardship as all of the conditions are present and outside the control of the church as the property owner.

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

Comment: The variance will not substantially impair the intent, purpose, or integrity of the Subregion 4 Master Plan and SMA, which designates this area for infill development that complements the existing neighborhood scale and character to reinforce the area's cohesiveness. The church use is a use permitted by special exception in the R-55 Zone and is therefore presumed to be compatible with the surrounding area. This criterion is met.

Conclusion

The variances being sought by the applicant are caused by unique circumstances and would in fact, apply equally to any other rectangular shaped property in this area. The applicant has met the criteria for variance approval, as such; the variances should be approved.

I. **General Requirements for a Special Exception:** Section 27-317(a) of the Zoning Ordinance provides the following required findings for approval of a special exception:

(a) A Special Exception may be approved if:

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

Comment: The purposes of Subtitle 27, as set forth in Section 27-102 (a) of the Zoning Ordinance, seek generally to protect the health, safety, and welfare of the public and promote compatible relationships between various land uses. The subject property has been used for single-family residential purposes since 1930. The existing house is small and no expansion is proposed. The proposed use as a church conforms to the Prince George's County Code and, with conditions, will ensure the health, safety, and welfare of county inhabitants. With the approval of the additional application for the departure from parking space requirements and the variances, the proposed use and accompanying site plan are in harmony with the purposes of this subtitle.

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

Comment: With the recommended conditions of approval, the proposed use is in conformance with all of the applicable requirements and regulations of this Subtitle and the 2010 *Prince George's County Landscape Manual*. The applicant has requested a variance to seek relief from the 25-foot setback requirements. With the recommended conditions, the proposal will be in conformance with all applicable requirements and regulations of the subtitle.

(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 Master Plan, the General Plan;

Comment: The proposed use is consistent with the recommendation of the Subregion 4 Master Plan and SMA to promote cohesiveness as the area redevelops and maintains the appropriate scale of the unique cultural character of the existing neighborhoods. The subject property is located within the R-55 Zone, which allows the use subject to the granting of a special exception. The 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 master plan, the General Plan.

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

Comment: The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area. Churches, when approved by special exception, generally have a positive effect on the health, safety or welfare of residents or workers in the area.

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

Comment: The proposed use as a church will not be detrimental to the use or development of adjacent properties or the general neighborhood. The primary way that compatibility between uses can be achieved is through the provisions of the 25-foot setback prescribed by the Code. The applicant is seeking variances from these requirements, respectively. Staff is recommending approval of the variances based on the findings discussed previously. The church has access to multiple modes of transportation (car, bus, bike and pedestrian), which can only contribute to the fulfillment to create a green, healthy, and pedestrian-friendly community. The surrounding properties are predominately existing single-family residential and there is also existing residential and commercial development that abuts the community. The change in use will not impede development that is coming to the area within or proximate to the neighborhood.

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

Comment: The proposed site plan is in conformance with this standard because an approved Type II tree conservation plan is not required. The site has an approved Prince George's County Woodland Conservation Ordinance Standard Letter of Exemption (S-097-14) and a Natural Resources Inventory Exemption Letter (NRI-114-2016) because the site is less than 10,000 square feet in size and has no previous approved tree conservation plans, a standard exemption letter was issued by the Environmental Planning Section. No other environmental issues relate to the applicant's proposal.

(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).

Comment: There are no regulated environmental features on the subject property that would require preservation and/or restoration. There is no new grading or construction proposed; therefore, 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 Section 24-130(b)(5) of the Subdivision Regulations.

J. **Parking and Loading Regulations:** The plan correctly indicates that ten parking spaces are required to serve this use based on seating for 40 persons in the church. The site plan indicates that no on-site parking is provided. The applicant has requested a departure (DPLS-425) for the ten required parking spaces not provided.

A departure from parking and loading standards is required to address this reduction in parking spaces provided. Section 27-588(b)(7)(A) of the Zoning Ordinance sets forth the following findings to grant a departure from parking and loading standards:

Section 27-588. Departures from the number of parking and loading spaces required.

Section 27-588(b)(7) Required Findings:

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

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;
Section 27-550. Purposes

(a) The purposes of this Part are:

(1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;

(2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;

(3) To protect the residential character of residential areas; and

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

Comment: The purposes of the parking and loading regulations will be served by the applicant's request. This is the adaptive reuse of a residential property for religious purposes. The limited off-street parking available was intended for a residential use, the design and use of the property ensures that if the church use ceases the property can easily return to a residential use. There is ample on-street parking available on Eastern Avenue and 59th Avenue that will serve the needs of parishioners. Most of the other residences along 59th Avenue have driveways, which provide off-street parking.

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

Comment: The proposal complies with this purpose. The departure is the minimum necessary per the site plan conditions. Due to the site configuration, additional parking spaces are not easily provided.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

Comment: The departure is necessary in order to alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949. The existing structure predates zoning and the shape of the lot makes it difficult to place parking without negatively impacting the residential nature of the area. The purposes of the Parking and Loading Regulations will not be impaired by the request.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and

Comment: All methods of calculation have been fully applied to this site. There is no alternative but to obtain a departure. The applicant has applied the correct method for calculating the number of parking spaces required.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

Comment: Although the surrounding neighborhood is residential in nature, the parking needs of adjacent residences are accommodated through individual driveways. Other than Thursdays and Saturdays during church services 59th Avenue is lightly used for on-street parking by residents. The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted.

(B) In making its findings, the Planning Board shall give consideration to the following:

(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;

Comment: The single-family residences which make up the majority of the surrounding have driveways. There is no indication of a shortage of on-street parking within the general vicinity of this property. The area within 500 feet of the subject property is characterized by residential development. All such uses have adequate parking.

(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;

Comment: The proposed use is consistent with the plan recommendations and will not impair the integrity of the master plan.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

Comment: The subject property is located within the municipality of the Town of Fairmount Heights. As of the writing of his technical staff report, no comments have been provided.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

Comment: There are no public parking facilities proposed for this area.

(C) In making its findings, the Planning Board may give consideration to the following:

(i) Public transportation available in the area;

Comment: Public transportation is available at this location via Metrobus Routes F14, V2, V4, and V14, which serve the Capital Heights and Minnesota Avenue Metro Stations. However, this is a small family-oriented congregation, as such it is not anticipated that many parishioners will use public transportation.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

Comment: There are no alternative design solutions that would not impose additional departures or variances.

(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

Comment: The former residence will have 40 seats with only two weekly days of activity on Saturdays for service and on Thursdays for evening prayer service. The proposed development is within 500 feet of residential and will have minimal impact on the surrounding residential uses. The use as a church is compatible with the nature and operation of other uses in the area.

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

Comment: The subject property is located in the R-55 Zone and, therefore, is not subject to this provision.

K. **2010 Prince George's County Landscape Manual Requirements:** The application for a church is subject to certain requirements of the *Prince George's County Landscape Manual* (Landscape Manual). The application is in general conformance with Sections 4.2, 4.3, 4.4, 4.7 and 4.9 of the Landscape Manual. However, there are some technical corrections that need to be made and are addressed as conditions of approval.

Section 4.2, Requirements for Landscape Strips Along Street

Comment: The proposal is subject to Section 4.2, Requirements for Landscape Strips Along Streets for frontage along Eastern Avenue and 59th Avenue. A schedule for 59th Street has been provided. A schedule for Eastern Avenue should be provided demonstrating conformance with the requirements of the section.

Section 4.3, Parking Lot Requirements

Comment: The special exception plan does not propose or validate any increase in impervious area for parking or loading spaces. Therefore, it is exempt from this section.

Section 4.4, Screening Requirements

Comment: No mechanical equipment or trash facilities are proposed with this application that require screening.

Section 4.7, Buffering Incompatible Uses

Comment: The site is subject to the requirements of Section 4.7 of the Landscape Manual because there is a change of use from a lower- to a higher-intensity use. A planted bufferyard is shown adjacent to the residential property to the north in conformance with the requirements of this Section.

Section 4.9, Sustainable Landscaping Requirements

Comment: The site is subject to the requirements of Section 4.9. A schedule is provided on the plan; however, it is not complete. The Urban Design Section recommends that the schedule be revised to indicate both the required and provided percentages of native plantings.

Tree Canopy Coverage—This application is not subject to the Tree Canopy Coverage Ordinance as it does not propose disturbance of 5,000 square feet or greater.

L. **Zone Standards:** The subject application has been reviewed for compliance with the requirements of the R-55 Zone and the guidelines of the Zoning Ordinance. The existing structure is not in compliance with Section 27-442(e), Yard Requirements, of the Zoning Ordinance. The applicant has requested variances of 0.6 feet along Eastern Avenue and 4.2 feet along 59th Avenue. These are discussed in Section H of this staff report. Staff supports the variance requests.

M. **Signage:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.

N. **Referrals:** The following comments were received for the special exception application.

1. **Transportation—**There are no master plan roadways in the immediate vicinity of the site. Eastern Avenue is maintained by the District of Columbia. The applicant states that the proposed use will have a *de minimus* impact on nearby roadways on weekdays. The applicant states that the amount of traffic generated by the use will be minimal. Staff concurs with that assessment. A departure of all 10 parking spaces is requested in the application. The applicant states that on-street parking is available in front of the site and that parking has never been a problem. Parking is also available on Eastern Avenue if necessary. Staff notes that the church has conducted services at the site over the past years with no parking issues. It appears that some on-street parking is available along Eastern Avenue south of the site. Parking does not appear to be restricted on 59th Avenue north of the site. The existing dwelling has a driveway that could accommodate a few vehicles. In light of the fact that nearby on-street parking is available and that the use will only be active two days a week, staff does not oppose granting of the special exception or

departure for parking spaces. The Transportation Planning Section finds that the proposal would meet the requirements of Subtitle 27 for the approval of a Special Exception from the standpoint of vehicular circulation and transportation.

2. **Urban Design—**The Urban Design Section has reviewed the information provided in support of the Special Exception SE-4750 and Departure from Parking and Loading Standards DPLS-425 for Sheriff Road Seventh Day Adventist provided comments are noted in Section K of this staff report.

3. **Subdivision—**The property is the subject of final plat of subdivision recorded in Land Records on October 3, 1930 as BB 5 at Plat No. 85. The bearings and distances shown on the submitted plan appear to be consistent with the final plat of subdivision. There is no increase in GFA proposed with this application. As a result, a new preliminary plan of subdivision is not required at this time for the special exception application. There are no other subdivision issues at this time.

4. **Community Planning—**The 2010 Subregion 4 Master Plan and SMA recommends establishing enabling legislation to support a neighborhood conservation plan for Fairmont Heights to encourage housing and neighborhood revitalization through the preservation and protection of the unique architectural, historical, and cultural character of the area (page 101). Plan Prince George's 2035 designates this area as one of its established communities. The communities are the heart of the County. They include neighborhoods, municipalities, and unincorporated areas outside of designated centers.

   The subject property is located at the northeast quadrant of the intersection of Eastern Avenue and 59th Avenue. The applicant proposes to use an existing single-family home for a church in the Town of Fairmont Heights requesting a waiver for the 10 parking spaces required for this use via a departure from parking and loading standards. The master plan recommends establishing guidelines for design, and the preservation and protection of the unique architectural, historical, and cultural character of existing neighborhoods via a neighborhood conservation plan. Such a plan would not only promote cohesiveness as the area redevelops but ensure future development maintains the appropriate scale. Given the church's small size, the availability of on-street parking on both sides of 59th Avenue toward Eastern Avenue and that the use will be operating in an existing dwelling, further limiting capacity, it appears unlikely that the neighborhoods character will be upset by its existence. It should also be noted that the church use is permitted in the R-55 Zone by special exception.

5. **Environmental—**The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, because the site has less than 10,000 square feet of woodland and no previously approved tree conservation plans. The site has an approved WCO-EL (S- 097-16) and NRI Exemption Letter (NRI-114-2016). The site contains three specimen trees and all will remain as part of this application.

6. **Permits—**Per Section 27-341.02(a)(1) of the Zoning Ordinance the minimum setback for all buildings shall be 25 feet from each lot line. The site is not in compliance with the front and side yard setbacks of the R-55 Zone along 59th Avenue and Eastern Avenue. Variances are requested by the applicant for relief from these requirements. Prior to certification of the site plan the Lot coverage calculations must be provided. The applicant is not able to demonstrate compliance with Section 27-341.01(a)(3) of the Zoning Ordinance, so a departure from the parking requirements is requested. The

proposed six-foot solid fence is subject to Section 27-420(g) of the Zoning Ordinance. A note must be provided on the site plan stating that this fence will be in compliance with this section. The proposed three-inch cap on top of the proposed six-foot fence increases the overall height of the fence to be greater than six feet, therefore subject to main building setbacks per Section 27-420(a) of the Zoning Ordinance. A variance from Section 27-442(e) of the Zoning Ordinance will be required if the applicant keeps this cap. The site is subject to Section 4.2 of the Landscape Manual along Eastern Avenue. The appropriate schedule and landscaping must be provided on the site plan.

7. **Public Facilities—**The Special projects staff has reviewed the proposed non-residential use for public facility adequacy. The findings are noted below:

Police Facilities: The proposed development is within the service area of Police District III, Palmer Park. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2014 (U.S. Census Bureau) county population estimate is 909,535. Using 141 square feet per 1,000 residents, it calculates to 128,244 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

Fire and Rescue Service: The Special Projects Section has reviewed this Specific Design Plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month." The proposed project is served by Chapel Oaks Fire/EMS, Company 838, a first due response station (a maximum of seven minutes travel time), located at 5544 Sheriff Road. In the Fire/EMS Department's Statement of Adequate Apparatus, as of June 15, 2016, the Department states, they have developed an apparatus replacement program to meet all the service delivery needs of the County.

Capital Improvement Program (CIP): There are no CIP projects for public safety facilities proposed in the vicinity of the subject site. The above findings are in conformance with the 2008 Approved Public Safety Facilities Master Plan and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

School Facilities: The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.

Water and Sewerage Findings: Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

8. **Historic Preservation—**The subject property comprises 0.29 acre located at 609 59th Avenue in Capitol Heights, Maryland. The Special Exception application is for a church on less than one acre in a residential zone. The departure from parking and loading standards application is for a waiver of the required 10 parking spaces. The subject property is within the Fairmount Heights National Register Historic District. The subject property is improved with a single-family residence that was constructed in 1930, according to tax records. There are no changes proposed to the exterior of the building on the site or to the surrounding property. The existing building will remain and no ground disturbance is proposed. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.

CONCLUSION

A special exception use is considered compatible with uses permitted by-right within the zone, as long as specific 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 the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.**

Based on the preceding analysis and findings, the applicant has met their burden of proof in this instance. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4750 and Departure from Parking and Loading Standards Application No. DPLS-425, subject to the following conditions:

1. Prior to approval of the special exception site plan, the following revisions shall be made:

    a. Provide the lot coverage percentage to determine conformance with allowable requirements in the One-Family Detached Residential (R-55) Zone.

    b. Revise the landscape plan to demonstrate conformance to the requirements of Section 4.2 of the 2010 *Prince George's Landscape Manual* along Eastern Avenue.

    c. Revise the landscape plan to demonstrate conformance to the requirements of Section 4.9 of the 2010 *Prince George's Landscape Manual* (Landscape Manual) per the sample schedule shown on page 100 of the Landscape Manual.

    d. Include a note on the site plan citing to the hours of service on Thursday and Saturday.

    e. Include a note on the site plan stating that seating capacity is limited to 40 seats, any increase in capacity will require a site plan revision for transportation review.

    f. Include a note on the site plan citing the variance to Section(s) 27-341.02 and 27-441(e) of the Prince George's County Zoning Ordinance.

    g. Provide a note on the site plan indicating that the proposed six-foot-high solid fence will be in compliance with Section 27-420(g) of the Prince George's County Zoning Ordinance.