



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-129

File No. DDS-621

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-621, Temple of Praise International Church, requesting a departure to allow the vehicular access to the loading space to be located within 50 feet of residentially-zoned property in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 7, 2013, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the east side of Robert Crain Highway (US 301), approximately 1,435 feet north of its intersection with Queen Anne Bridge Road. The subject property is located on Tax Map 63, Grid E3, and is known as Parcel 1. The property consists of 22.14 acres in the Residential-Agricultural (R-A) Zone, along with neighboring properties on the east side of the highway. It is currently undeveloped. There is an approved preliminary plan of subdivision which proposes to construct a 650-seat, 34,000-square-foot church and parish hall.

B. **Development Data Summary**

	EXISTING	APPROVED
Zone	R-A	R-A
Use(s)	Vacant	Church and parish hall
Acres	22.14	22.14
Parcels	1	1
Square Footage/GFA	35,599	35,599

C. **History:** The site is the subject of approved Preliminary Plan of Subdivision 4-09036. PGCPB Resolution No. 10-06 contained 22 conditions and was adopted on February 4, 2010. Parcel 1 was recorded in Plat Book MMB 236-77 on September 19, 2012.

D. **Master Plan Recommendation:** The application conforms to the rural residential land use recommendations of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* (Bowie Master Plan and SMA).

**2002 Prince George's County Approved General Plan:** This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Rural Tier. The subject property is located in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist.

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E. **Request:** Section 27-579(b) of the Zoning Ordinance does not allow any portion of an exterior loading space and no vehicular entrances to any loading space within 50 feet of any residential zone. Section 27-581 of the Zoning Ordinance requires that all loading spaces are connected to a street by means of a driveway that is at least 22 feet wide, exclusive of curb returns and gutters. The applicant is requesting a departure from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property.

F. **Surrounding Uses:** The property to the north is developed with a wholesale nursery. Properties to the south and east are developed with single-family dwellings. The two abutting properties to the west of the subject property, surrounding the driveway stem, are undeveloped. Property immediately across from the driveway, in the median for Crain Highway (US 301), is zoned R-A and is undeveloped. Property further west, across US 301, is zoned Miscellaneous Commercial (C-M) and is also undeveloped, but approved for two automobile dealerships.

G. **Design Requirements:**

1. **Departure from Design Standards from Sections 27-579(b) and 27-581:** Sections 27-579(b) and 27-581 of the Zoning Ordinance set forth the following requirements:

**Section 27-579. Location.**

- (b) **No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

The subject departure of 12 feet is a request to allow a setback of 38 feet in place of the required 50-foot setback for vehicular entrances to loading spaces within 50 feet on residentially-zoned land and a 24-foot-wide driveway access. The property is zoned R-A, therefore, the property cannot be developed without the requested departure. Sole access to the church property is via the drive lane, which also provides access to adjoining parcels 149 and 147 from Crain Highway (US 301). Given the location of the property along US 301 and the fact that it is surrounded by residential uses, there is no feasible alternative.

2. **Sections 27-568 and 27-582, Parking and Loading Space Requirements**

The applicant meets the Zoning Ordinance requirements of both Sections 27-568 and 27-582 for parking and loading spaces. The site plan notes that a total of 179 parking spaces and one loading space are provided per the requirement. The site plan notes indicate that the proposed church will have a gross floor area of 39,599.16 square feet. Based on this information, the church use requires a minimum of 177 parking spaces

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(one space for every four seats in the auditorium and other rooms) per Section 27-568. Section 27-582 requires one loading space for the first 100,000 square feet. The applicant's parking schedule provides a total of 179 parking spaces, including 169 standard spaces, 6 handicapped spaces, and 4 van-accessible handicapped spaces. One loading space is required and one is provided.

**H. Further Planning Board Findings and Comments from Other Entities:**

**Community Planning**—There are no General Plan or master plan issues raised by this application. The 2006 Bowie Master Plan and SMA supports the Rural Tier land use policies set forth in the General Plan. The master plan recommends strategies for implementing the General Plan policies to retain the rural character for the Rural Tier. The following strategy (pp. 6 and 7) is applicable and should be considered in the review of this application:

**Policy 1: Strategy 4: Implement rural design standards to ensure that new private and public development is consistent with the prevailing character of the rural area. The following guidelines should be incorporated into the standards:**

- c. Preservation of existing vegetation or the installation of landscaping should be provided to soften and buffer views of houses and other structures. Landscape plants should be native and re-create rural buffers.**

**Subdivision**—The site is the subject of approved Preliminary Plan of Subdivision 4-09036 and the resolution was adopted on February 4, 2010. The resolution, PGCPB No. 10-06 contained 22 conditions, which were addressed in the record plat notes. In terms of the environmental and transportation conditions of the approved preliminary plan, they should be reviewed further by the Transportation and Environmental Planning Sections. Departure from Design Standards DDS-621 is in substantial conformance with Preliminary Plan 4-09036 and the record plat if the above comments have been addressed. Failure of the site plan and record plat to match will result in grading and building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

**Urban Design:** The Urban Design Section has no specific comments on the merits of the departure request in regards to the required findings for approval stated in Section 27-239.01(b)(7) of the Zoning Ordinance. The application is subject to the 2010 *Prince George's Landscape Manual* (Landscape Manual) and will be reviewed for conformance to its requirements through the building permit approval process. Therefore, the applicant should ensure that the submitted plans conform to its requirements and that the relevant schedules are included on the plans demonstrating that conformance.

The application is also subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance as it will result in an excess of 5,000 square feet of disturbance to the site, and will be reviewed for conformance to its requirements through the building permit approval

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process. Therefore, the applicant should ensure that the submitted plans conform to its requirements and that the relevant schedule is included on the plans demonstrating conformance.

**I. Required Findings:**

**Section 27-587**—This section authorizes the Planning Board to grant departures from design standards, under procedures and requirements in Part 3, Division 5, of the Zoning Ordinance.

**Section 27-239.01(b)(7)(A)** of the Zoning Ordinance provides that, in order for the Planning Board to grant a departure from design standards, it shall make the following findings:

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

These purposes are equally well served by the application. The applicant is developing a church on an undeveloped residentially-zoned parcel in a conservation area. The applicant's proposal maintains the residential nature of the area. The access from Crain Highway (US 301) continues in such that it provides the minimum disturbance to the adjacent properties. Parking is provided in excess of the minimum amount required by the Zoning Ordinance to ensure that parking is plentiful and convenient for patrons of the proposed church, while not impacting future and existing residents. A single loading space is required by the Zoning Ordinance and one is provided. The loading space will be discreetly located in the rear of the site. The location of the loading space and access driveway behind the church will not detract from the residential character of the neighborhood as they will be screened in accordance with the Landscape Manual. Landscaping along US 301 and along the property lines will ensure the site will maintain compatibility with adjacent residential land uses.

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

The departure is the minimum necessary. The request allows for the parking lot to be used to its maximum potential, which will serve the church congregation and have little impact on the surrounding residential uses.

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

The departure is necessary in order to alleviate circumstances that are unique to the site because the property is zoned Residential-Agriculture (R-A) and R-A-zoned land surrounds the property to its north and south. The property is unique in that it resembles a flag lot, with its approximately 100-foot-wide narrow portion extending out toward US 301. Within this 100-foot-wide access portion, a 38-foot setback along both Parcels 147 and 149 was created along with a 24-foot-wide driveway access. This departure is necessary to provide the required loading space which is special to the proposed use and location.

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

The departure will not impair the visual, functional or environmental quality, or integrity of the site or of the surrounding neighborhood. The applicant is exceeding all of the required setbacks with the exception of the access drive required for the loading space. The existing adjacent residential areas and the undeveloped and vacant residential lots will not be infringed upon.

#### CONCLUSION

The applicant has satisfied all of the requirements pertinent to obtaining the requested departure from the requirement that access drives to a loading space shall be a minimum of 50 feet from adjoining residentially-zoned land.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following conditions:

1. Prior to issuance of permits, the plans for the project shall be revised, if necessary, to demonstrate conformance to the relevant requirements of the 2010 *Prince George's County Landscape Manual* and include the relevant schedules from the Landscape Manual demonstrating conformance to its requirements.
2. Prior to issuance of permits, the plans for the project shall be revised, if necessary, to demonstrate conformance to the relevant requirements of the Prince George's County Tree Canopy Coverage Ordinance and include the required schedule demonstrating conformance to its requirements.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 7, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of December 2013.

Patricia Colihan Barney  
Executive Director

*Jessica Jones*  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:IT:arj

APPROVED AS TO LEGAL SUFFICIENCY

*Berge Jones*  
M-NCPPC Legal Department

Date 11/13/13