DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER

SPECIAL EXCEPTION
4702

VARIANCE
4702

ALTERNATIVE COMPLIANCE
11025

DECISION

Application:	Church, Variance, and Alternative Compliance
Applicant:	Embry A.M.E. Church Lakeland Trustees
Opposition:	None
Hearing Dates:	July 18, 2012
Hearing Examiner:	Maurene Epps Webb
Disposition:	Approval with Conditions

NATURE OF PROCEEDINGS

(1) Special Exception 4702 is a request for permission to expand an existing Church on approximately 0.35 acre of R-55 (One-Family Detached Residential) zoned land located on the southeast corner of the intersection of Lakeland Road and 51st Avenue, and identified as 5101 Lakeland Road, College Park. The property is Part of Lot 10, Block 3 of the Lakeland Subdivision.

(2) The Technical Staff recommended approval with conditions. (Exhibit 14) The Planning Board also recommended approval with conditions. (Exhibit 20)

(3) No one appeared in opposition to the instant request.

(4) The record was left open at the close of the hearing to allow the Applicant to submit a revised Application, and amend its Site Plan to provide clarification as to the number of seats in the Church. The last of the items was received on August 28, 2012, and the record was closed at that time.

FINDINGS OF FACT

Subject Property

(1) The subject site is a trapezoidal-shaped corner lot currently improved with a 3,665 square-foot, one-story L-shaped building that houses the Embry A.M.E. Church.

The site has approximately 113 feet of frontage on Lakeland Road and approximately 113 feet along 51st Avenue.

(2) The site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it is less than 40,000 square feet in area and has no previously approved tree conservation plan. (Exhibit 11) There are no regulated environmental features on the site. (Exhibit 14)

Neighborhood/Surrounding Uses

(3) The Neighborhood is generally residential in character, and includes several churches, an elementary school and a community center. It is defined by the following boundaries:

- North – Berwyn Road
- South – Paint Branch Stream
- East – C-S-X Railroad tracks
- West – Baltimore Avenue (US 1)

(4) The subject property is bounded on all sides by single-family dwelling units in the R-55 Zone. There is another Church to the northwest, diagonally across Lakeland Road.

Master Plan/Sectional Map Amendment

(5) The subject property is in that area covered by the 1990 Master Plan for Langley Park-College Park and Greenbelt and Sectional Map Amendment for Planning Areas 65, 66 and 67. The Master Plan recommends public or quasi-public land uses on this property, and recognizes the existing use by placing a church symbol on the Plan. (T. 25) The property lies within the traffic pattern for a small general aviation airport (College Park Airport) and is located in Aviation Policy Area ("APA") 6.

(6) The 2002 General Plan places the property within the Developed Tier. As noted on page 21 of the Plan, "[t]he vision for the Developed Tier is a network of sustainable , transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods."

Applicant's Proposal

(7) The Applicant is seeking permission to expand the existing Church from 3,665-square–feet to 5,268-square-feet by constructing a one-story, 18-foot tall, 1,603 square-foot addition to the northwest corner (the front) of the existing building. If approved the new structure and concrete walkways will cover approximately 40% of the site. (Exhibit 16(a)) The existing church entrance faces Lakeland Road. The new entrance will face the corner of Lakeland Road and 51st Avenue. The addition will house offices, bathrooms that will be accessible to the disabled, and other supporting rooms and will not increase the number of seats in the sanctuary, nor the parking requirements.

(Exhibit 33 (f)) Applicant will also provide a sidewalk, accessible to the handicapped, leading to the church entrance. A small shed along the southern boundary line is to be removed.

(8) The Church was constructed in 1926. It is located in the midst of a residential neighborhood. The pastor testified that its members are generally former or existing residents in the area as well as students at the nearby University of Maryland. She believes the Church has been a stabilizing force in the community due, in part, to the many programs it offers. There was also testimony that the Church has approximately 100 members. (T. 13)

(9) The existing building has an exterior of brick veneer and painted concrete block with wood trim. It has both cathedral and double-hung windows. A photo of the existing building was submitted into the record. (Exhibit 33 (e)) Applicant submitted architectural drawings which indicate that the addition will blend with the existing building by including a brick veneer, cathedral windows, an asphalt-shingled gable roof over the new entrance, a low wainscoting of painted block and vertical siding and trim. (Exhibits 33 (a)-(d))

(10) One parking space is required for every 4 seats in the sanctuary. Applicant's witness, accepted as an expert in the area of land use planning, assumed that five (5) people can fit comfortably in a pew, and concluded that there are approximately 140 seats in the church. (T. 14) Accordingly, 35 parking spaces are required. The subject property has no on-site parking and has relied upon on-street parking to serve its congregation for more than 80 years. Both streets on which it fronts (Lakeland Road and 51st Avenue) have signs that permit three (3) hour church parking during the week and unlimited parking on Sundays. Applicant has recently entered into a parking agreement with the City of College Park, granting 50 on-street parking permits for Applicant's employees and members, in excess of the required spaces for the 100-member church. (Exhibit 30)

(11) Two (2) handicapped parking spaces are required and two (2) are provided on the street in front of the present entrance to the church. Pursuant to State law (the Maryland Accessibility Code) Applicant must either provide a 96 inch access aisle to an accessible parking space or be granted a waiver from the Maryland Department of Housing and Community Development. A waiver has been requested, and the City of College Park has indicated its support thereof. (Exhibits 31 and 34; T. 36)

(12) The Planning Board has also approved a Departure from Parking and Loading Standards (DPLS-371) to sanction the off-site parking arrangement. (Exhibit 29) The Departure notes that seven parking spaces are required to serve this use based on seating for *28 persons* in the Church. However, Applicant's witness testified that there are *28 pews* in the Church and the seating capacity is approximately 100 people. (T. 13) This Examiner cannot rectify the discrepancy in the Planning Board's resolution, but can find that the parking arrangement with the City of College Park, *supra*, sufficiently ensures that there will be no adverse impact on the adjacent residential communities – a finding required by Section 27-314.02 of the Zoning Ordinance, discussed *infra.*

(13) Applicant noted its acceptance of all conditions recommended by Staff and the City of College Park. (T. 21)

Variance[1]

(14) Pursuant to Section 27-341.02(a) of the Zoning Ordinance, Churches located on lots less than an acre in size are required to have a minimum setback of twenty-five (25) feet from each lot line for all buildings. The existing church was constructed several decades prior to the zoning requirement of a 25-foot setback. The existing church is only 12.7 feet from the northern property line and only 15 feet from the eastern property line. The building addition will only be set back 11.5 feet from the northern property line along Lakeland Road because this property line runs at an angle. Accordingly, Applicant requests a variance of 13.5 feet from the northern property line for the proposed addition and 10 feet from the eastern property line for the existing building.

(15) The subject property has an unusual trapezoidal shape. The western property line is shorter than the eastern property line, rendering an irregular building envelope for the site. This topography as well as the L-shape of the existing church requires the location of the addition within the "crook" of the current entrance area. Applicant's witness, accepted as an expert in the area of land use planning, noted that strict compliance with the setback would result in a practical difficulty for Applicant since it would have to "move the existing building to reduce the size", and would not be able to supply "handicap-accessible entrances, bathrooms and related facilities." (T. 25) The witness further noted that the variance would not impair the intent, purpose or integrity of the General or Master Plan since the 1989 Master Plan for the area specifically shows the property "as an institutional use and designates it as a church facility with [a] little cross symbol." (T. 25)

Landscaping and Alternative Compliance

(16) The Application is subject to the provisions of Sections 4.2 and 4.7 of the Landscape Manual. The Applicant has requested Alternative Compliance from Sections 4.2 to allow for sidewalks and a variable amount of landscaping within the landscaped strip, and from Section 4.7 to allow for a reduced bufferyard and building setback between the existing building and the adjacent single-family detached dwellings to the east and south. The Alternative Compliance Committee and the Planning Director have recommended that this request be approved, reasoning as follows:

> The applicant is requesting Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, of the 2010 *Prince George's County Landscape Manual*, along the site's frontage of Lakeland Road and 51st Avenue…. The existing leadwalks providing access to the existing church building run across and within the ten-foot-wide strip area, reducing it to a minimum of four feet in some areas. Additionally, overhead power lines run within the right-of-way, approximately eight to ten feet off of the property line, prohibiting the planting of large shade trees within the landscape strip. Therefore, the applicant is requesting approval of a

1 The City of College Park granted variances from the setback requirements for the R-55 Zone, but could not grant variances from the Special Exception requirements for churches.

reduced landscape strip of four to ten feet wide to accommodate the existing leadwalks and a modification in the required plantings to allow for just shrubs, instead of shade trees and shrubs, due to overhead utilities. The applicant proposes to provide 36 shrubs, which is five more than the requirement. Along the 51st Avenue frontage, … the existing building location provides sufficient room for the landscape strip; however, overhead power lines run within the right-of-way, approximately two to eight feet off of the property line, prohibiting the planting of large shade trees. Therefore, the applicant is requesting approval of an increased landscape strip of 27 to 29 feet wide and a modification in the required plantings to allow for just shrubs, instead of shade trees and shrubs. The applicant proposes to provide 40 shrubs, which is seven more than the requirement. The City of College Park reviewed the subject proposal and agreed that a landscaped strip consisting of foundation plantings would be more in keeping with the residential character of the area, but that some changes in plant type and location would be appropriate. Their suggested conditions have been included in [my recommendations]…. Given the fact that the church has existed on the site since the 1920s and that an alternative planting scheme would blend better with the residential character of the adjacent properties, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.2 of the 2010 *Prince George's County Landscape Manual.*

The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual.* A Section 4.7 Type 'C' bufferyard, which requires a 40-foot building setback and a 30-foot landscaped yard, is required along the eastern and southern property boundaries adjacent to existing single-family detached dwellings. The applicant is asking for relief due to the location of the existing building and is requesting approval of a reduced building setback of 15 feet from the eastern property line; 33 feet from the southern property line; and a reduced landscaped yard of 15 feet along the eastern property line. It should be noted that the reduced setback and landscape yard widths represent the existing site improvements and are not being created or increased by the proposed building addition.

The applicant proposes a six-foot-high, wooden, board-on-board fence which is appropriate for the residential neighborhood, for the entirety of the eastern and southern property lines, outside of the Section 4.2 landscape strip along Lakeland Road and 51st Avenue. Additionally, the existing non-invasive trees will be preserved along the southern property line and a total of 55 plant units will be added along the eastern property line and 45 units (4 more than required) along the southern property line. The proposed fence, on the applicant's property, can be used to justify a 50 percent reduction in the proposed plant units. The City of College Park reviewed the subject proposal and agreed with the alternative design, but recommended some changes in plant type and location. Their suggested conditions have been included in [our recommendations]…. Given the addition of a sight-tight fence along the entire property line, the preservation of existing trees and the removal of invasive species, and the addition of new plants in the required amount, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.7 of the 2010 *Prince George's County Landscape Manual*.

Recommendation:

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance for Section 4.2 along the Lakeland Road and 51st Avenue frontages, and Section 4.7 along the eastern and southern property lines, of the 2010 *Prince George's County Landscape Manual,* for Embry A.M.E. Church, Lot 10, Block 3, subject to the following conditions:

1. Prior to certification of the special exception, the following revisions shall be made:

a. Revise the plan to accurately reflect the number of proposed shrubs shown on the plan as 36 along Lakeland Road and 40 along 51st Avenue.
b. Revise the plan to indicate that the two existing mulberry trees along the southern property line will be removed.
c. Revise the tree canopy coverage (TCC) chart to indicate the correct area of existing trees on-site, which should be approximately 1,260 square feet.
d. Revise the planting schedule to indicate both Cornus florida and Myrical Pennsylvania as native species. Then revise the Section 4.9 schedule as necessary to reflect the correct percentage of native plant material proposed.
e. In both Section 4.7 schedules, note that the 50 percent reduction for the fence is part of the alternative compliance request.

City of College Park Recommendations:

f. For both Section 4.2 strips along Lakeland Road and 51st Avenue, relocate the same amount of proposed shrubs, naturally arranged, into residential-like foundation planting beds around the base of the proposed sign and at the corners near the intersection of the sidewalks. The bed around the proposed sign should include Helleri Holly and an area for perennials to provide seasonal color.
g. Along the eastern property line, stagger the proposed ornamental redbud trees and change some to dogwood trees.
h. In the southeastern corner of the property, underplant the proposed shade trees with a native groundcover, possible Dense St. John's Wort.
i. Consider substituting Sweetspire, Cherry Laurel, or Inkberry shrubs for the Northern Bayberry and Late Lowbush Blueberry to provide a more compact formal planting scheme.

(Exhibit 15 (a), pp. 3-5)

Additional Agency Comment

(17) The Technical Staff recommended approval with conditions. In doing so, Staff noted that the subject property lies within the Lakeland Subdivision and is surrounded on all sides by single-family residences, that the church has been in operation since 1920, and has relied on on-street parking throughout that time for its congregation. It opined that "existing site constraints leave the church no reasonable alternative for an addition other than within the crook of the existing building" and "special exception setback requirements do not recognize the long existing nature of this church which was constructed prior to their enactment." (Exhibit 14, p. 5)

(18) The Planning Board recommended approval, suggesting the same conditions noted by Staff. It noted that the variance request "is caused by unique circumstances and would, in fact, apply equally to any other rectangular property with that size building and that amount of surface parking." (Exhibit 20, p. 5) It also found dispositive the fact that "[n]one of the responses from any referring agencies received by staff indicate that the proposed use will adversely affect the health, safety, or welfare of residents or workers in the area [and] ….[t]he proposed addition would have a negligible impact on the adjacent transportation network and … no safety issues are anticipated." (Exhibit 20, p. 8)

(19) The City of College Park endorses the request, with minimal conditions. As noted,*supra*, it granted variances from the setback requirements of the R-55 Zone, reasoning as follows:

> The Property has an extraordinary condition in that the church is an existing condition on the Property that predates Zoning with an L shape, leaving no other space on the property for a reasonably sized addition other than within the "L" of the existing building….The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to and an undue hardship upon the property owner because the Applicant cannot be expected to relocate the existing church to meet the required setback and the addition area is needed to accommodate handicapped restrooms for an aging congregation and needed office space… Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because the church is an existing structure that has been in the community since 1920 and the proposed addition area will be built within the current "L" of the existing building, minimizing encroachment into the required side yards….

(Exhibit 28, p. 5) Its position did not change upon review of the instant Application, as it voted unanimously to recommend approval of the Special Exception, Departure from Parking and Loading Standards, Variance and Alternative Compliance. (Exhibit 23)

LAW APPLICABLE

(1) A Church in the R-55 Zone, on a lot of less than one (1) acre in size, is permitted by grant of a Special Exception in accordance with Section 27-341.01 of the Zoning Ordinance. All Special Exceptions must be found to comply with the general criteria of Section 27-317.

(2) Section 27-317 states as follows:

(a) A Special Exception may be approved if:

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

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

(4) The proposed use will not adversely affect 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

(6) The proposed site plan is in conformance with an approved Type 2Tree Conservation Plan; and

(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).

(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.

(3) Section 27-341.02 states as follows:

(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;
(2) When possible, ingress and egress should be located so as to direct traffic away from streets that are internal to a residential subdivision;
(3) The applicant shall satisfactorily demonstrate that parking and traffic 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
(5) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.

(4) The Application must be in harmony with the purposes of the R-55 Zone found in Section 27-430 (a) of the Zoning Ordinance, which provides as follows:

(a) Purposes.
(1) The purposes of the R-55 Zone are:
(A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;
(B) To facilitate the planning of higher density one-family residential developments with small lots and dwellings of various sizes and styles;
(C) To encourage the preservation of trees and open spaces; and
(D) To prevent soil erosion and stream valley flooding.

(5) The Court of Appeals provided the standard to be applied in the review of a Special Exception application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319 (1981):

> Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material . . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

(432 A.2d at 1325)

The record in this case reveals “no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan”.

(6) A variance may be granted if the request satisfies the provisions of Section 27-230(a) of the Zoning Ordinance, which provides as follows:

(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;

(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

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

CONCLUSIONS OF LAW

(1) Section 27-102 sets forth the general purposes of the Zoning Ordinance. The requested use will be in conformance with the following applicable purposes found in Section 27-102 since it provides a place of community worship and does not negatively impact its surroundings:

> (1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;
>
> * * * *
>
> (4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business; [and]
>
> * * * *
>
> (12) To insure the social and economic stability of all parts of the County . . . .

(Section 27-317(a)(1))

(2) The use does not conflict with the purposes of the R-55 Zone. The District Council has predetermined that churches are compatible with said purposes. Additionally, the instant Application will provide additional landscaping and minimal lot coverage. (Section 27-317(a)(1))

(3) If the requested variance and alternative compliance are approved, the use will be in conformance with all applicable requirements and regulations of the Zoning Ordinance. (Section 27-317(a)(2)) The request does not substantially impair the integrity of the Master Plan, since the Master Plan recommended public or quasi-public uses for the site. (Section 27-317(a)(3)) The use will not adversely affect the health, safety or welfare of residents or workers in the area since it has peacefully and successfully coexisted with the residents/workers in the area for nearly 100 years, and since the proposed addition will not result in any substantial change to the use. (Section 27-317 (a)(4)) For the same reasons the use will not be detrimental to the use or development of adjacent properties or the general neighborhood. (Section 27-317(a)(5)) The Application is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000

square feet in size and has no prior Tree Conservation Plans. (Section 27-317 (a)(6)) There are no regulated environmental features on the site. (Section 27-317 (a)(7)) Finally, the property does not lie within a Chesapeake Bay Critical Area Overlay Zone. (Section 27-317 (b))

(4) The Application satisfies the criteria found in Section 27-341.02 (a) (3) and (4) because the parking arrangement with the City of College Park and the Departure approved by the Planning Board ensures that the limited amount of church parking and traffic will not adversely affect adjacent residential neighborhoods, and that there will be no parking spaces or loading areas in the front yard. The Application satisfies Section 27-341.02 (a)(5) because the lot coverage does not exceed the maximum allowed in the Zone.

(5) Applicant needs a variance from the requirements set forth in Section 27-341.02 (a) (1) and (2) because the shape of the lot and the location of the existing church pre-existed the zoning requirements of a 25 foot setback for all buildings and the suggestion that traffic be directed away from streets that are internal to a residential subdivision. I believe Applicant has satisfied the criteria for granting the request. The lot is an unusually shaped corner lot, and the layout of the existing church is situated in an unusual way. Adherence to the 25-foot setback would result in "peculiar and unusual practical difficulty" for Applicant since the existing decades-old church, a pillar in that community, would have to be removed. Moreover, the much-needed addition could not be constructed anywhere else on the site, so a denial of the variance would mean no handicapped-accessible bathrooms, office space and other supporting rooms, could be constructed. Finally, approval of the request would not impair the intent of a Master Plan that specifically recognizes the operation of a church on the site. (Section 27-230(a))

(6) Applicant also seeks approval of its request for alternative compliance to the requirements of the Landscape Manual, again as a result of pre-existing site conditions. I believe this request can also be granted since Section 1.3 of the 2010 *Landscape Manual* suggests that alternative compliance may be granted where there are "[s]pace limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites" or where it is needed "for improvements and redevelopment in older communities." It may also be granted where the "proposal is equal or better than normal compliance." Applicant is providing additional shrubs in lieu of the requisite shade trees that cannot be planted due to the location of the overhead power lines, and a six-foot-tall board-on-board fence along the eastern and southern property lines to shield the adjacent residences – a proposal equal to normal compliance.

DISPOSITION

APPROVAL of S.E.4702 and Variance 4702, subject to the following conditions:

1. Prior to the issuance of any building permits the Special Exception Site Plan shall be revised as follows:

a. Reflect the approval of the associated Alternative Compliance application AC-11025.

b. Add a note indicating there will be no other non-church-related activities occurring in any other rooms occupied at the same time as church services are occurring in the sanctuary.

c. Amend Note 18 to reflect approval of Variance Request VSE-4702.

d. Either show an accessible parking space for the handicapped in accordance with the Maryland Accessibility Code, or provide evidence that a waiver has been granted.

e. Amend Note 4 to state that there are 28 pews (approximately 140 seats).

2. The revised Site Plan shall be submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record.

APPROVAL of Alternative Compliance Application No. AC-11025, subject to the following conditions:

1. Prior to the issuance of any building permit the following revisions shall be made, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:

a. Revise the plan to accurately reflect the number of proposed shrubs shown on the plan as ‘36’ along Lakeland Road and 40 along 51st Avenue.

b. Revise the plan to indicate that the two existing mulberry trees along the southern property line will be removed.

c. Revise the tree canopy coverage (TCC) chart to indicate the correct area of existing trees on-site, which should be approximately 1,260 square feet.

d. Revise the planting schedule to indicate both Cornus Florida and Myrica Pennsylvania as native species. Then revise the Section 4.9 schedule as necessary to reflect the correct percentage of native plant material proposed.

e. In both Section 4.7 schedules, note that the 50 percent reduction for the fence is part of the alternative compliance request.

f. For both Section 4.2 strips along Lakeland Road and 51st Avenue, relocate the same amount of proposed shrubs, naturally arranged, into residential-like foundation planting beds around the base of the

proposed and existing building and planting beds around the proposed sign and at the corners near the intersection of sidewalks. The bed around the proposed sign should include Helleri Holly and an area for perennials to provide seasonal color.

g. Along the eastern property line, stagger the proposed ornamental redbud trees and change some to dogwood trees.

h. In the southeastern corner of the property, underplant the proposed shade trees with a native groundcover, possibly Dense St. John's Wort.

i. Consider substituting Sweetspire, Cherry Laurel, or Inkberry shrubs for the Northern Bayberry and Late Lowbush Blueberry to provide a more compact formal planting scheme.

[Note: The revised Special Exception Site Plan and Landscape Plan are Exhibits 16 (a)-(b).]