

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-565, Mt. Rainier Kingdom Hall of Jehovah's Witnesses requesting a departure from design standards to allow an access drive leading to a loading space located less than 50-feet setback from residential zoned land, 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 June 15, 2006, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject site is located at 6100 Ager Road, with frontage on the west side of a service road that is within the Ager Road right-of-way. A concrete island separates the service road from Ager Road. The site is approximately 270 feet south of Powhatan Road and 100 feet north of Oglethorpe Street. Site access is provided solely through a 52-foot-wide pipe stem portion of the lot to the Ager Road service road. A gate exists across this access drive. The site is fenced, cleared, and site grading and preparation has begun.

The majority of the site is adjacent and behind an existing church that fronts the Ager Road service road. Adjacent property to the south and west is property of another church that also has frontage onto the service road. Across Ager Road to the east is the new West Hyattsville Elementary School.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-35	R-35
Use(s)	Cleared land	Church
Acreage	2.19	2.19
Lots	1	1
Square Footage/GFA	0.0	11,000

- C. **History:** The property was reclassified from the R-55 Zone to the R-35 Zone upon adoption of the 1990 Sectional Map Amendment for Langley Park-College Park-Greenbelt and Vicinity.

- D. **Master Plan Recommendation:**

2002 General Plan: The subject site is in the Developed Tier where the vision is for a network of sustainable, transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity: The subject site is recommended for low urban residential land use of up to 11.9 dwelling units per acre. The master plan map indicates that the site contains soils with limitations for development. The master plan identifies Ager Road as an existing arterial, but is not shown as such in the

master plan text (pages 130 and 132). There are no public facilities or historic resources identified on the site.

E. Request: This departure from design standards application seeks approval of an access drive leading to a loading space that is less than 50 feet from adjacent residential zoned land. The 24-foot-wide access drive through the 52-foot-wide pipe stem portion of the lot is less than the required setback of 50 feet from adjacent residential zones. The departure is necessary in order to begin construction of a proposed 400-seat church facility containing 11,000 square feet. Thus, a departure of 40 feet and 32.5 feet is necessary because the edge of the 24-foot-wide driveway leading to the loading space, through the pipe stem, is 10 feet and 17.5 feet, respectively, from adjoining residential properties to the north and south. The loading space is located at the northwest corner of the parking lot, near the northeast corner of the church building, and 50 feet from the adjacent residential zoned lots.

F. Surrounding Uses:

North: North of the driveway stem is an existing church building in the R-35 Zone on Lot 2. North of Lot 2 are two single-family dwellings in the R-55 Zone. North of the main portion of the property are seven single-family dwellings in the R-55 Zone.

East: An existing church in the R-35 Zone

South and West: An existing church in the R-35 Zone

G. Design Requirements: The applicant specifically requests a departure from Section 27-579(b) that pertains to the location of an access drive to a required loading space.

1. Section 27-579(b) Location: “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.”

Comment: The applicant requires a departure of 40 feet and 32.42 feet, respectively, from the distance of the driveway edge to adjoining residential zoned land. The 24-foot-wide driveway access to Ager Road, through the pipe stem portion of the subject site, must be located a minimum of 50 feet from the nearest residential zoned land because it is used to access the site’s one loading space.

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

Comment: The proposed church use requires 100 parking spaces (one space per four seats in the seating area) per Section 27-568. Section 27-582 requires one loading space for churches with a floor area between 10,000 to 100,000 square feet. The proposed church contains 11,000 square feet. The applicant’s cover sheet shows the schedule for the number of required and proposed parking spaces, including required parking space dimensions. The parking schedule on the cover sheet provides 105 total parking spaces, comprising 76 standard spaces (9.5 feet by 19.0 feet); 24 compact spaces (8.0 feet by 16.5 feet); and 5 handicapped spaces, 2 of which are van accessible. One loading space (12 feet by 33 feet) is shown on the site improvement plan in front of the

church building at the northwest corner of the parking lot. The applicant has worked with staff during the review of this application to make all required revisions to the site improvement plan and landscape plan so that they conform to all pertinent parking, loading, and landscape design standards contained in Part 11 of the Zoning Ordinance.

3. Section 27-564—Landscaping, screening and buffering:

Comment: The Urban Design Section (April 4, 2006, memorandum) indicates that the landscape plan should be revised to delete Buffers III, IV, and V as listed incorrectly in the schedule for Section 4.7 as buffers between incompatible uses. In fact, they are perimeter strips required to buffer parking areas. The applicant has revised the landscape plan in accordance with all revisions recommended by the Urban Design staff. Although Buffer II is not needed because the proposed church is compatible with the adjacent existing church, the landscape plan nonetheless identifies the strip and proposed landscaping.

The Permits Section (April 3, 2006, memorandum) indicates several revisions are required to the landscape plan and site improvement plan. In response, the applicant submitted new plans on April 10, 2006, that show conformance with all of the revisions required by the Permits Section. Staff notes that there are no signs indicated on the site improvement plan. Any signs will require appropriate permits in accordance with Section 27-590.

H. Required Findings:

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

Section 27-239.01(b)(8)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant a departure from [parking and loading] design standards, it shall make the following findings:

1. The purposes of this Subtitle will be equally well or better served by the applicant's proposal.

Comment: The purposes of the Parking Regulations will be equally served by the applicant's proposal. The purposes of parking and loading design standards are contained in Section 27-550. The purposes pertain to the following:

- Providing sufficient loading areas to serve the loading needs of all persons associated with the building and uses.
- Relieving traffic congestion on streets by reducing the use of streets for loading.
- Protecting the residential character of residential areas.
- Providing loading facilities that are convenient and increase the amenities in the Regional District

Staff finds that these purposes are served by the application in that one loading space is provided as required. This space will remove such use from public streets while remaining conveniently located for the applicant's use. In addition, the location of the proposed loading space will not detract from the residential character of the neighborhood. Provision of all required setbacks and landscaping will maintain compatibility with adjacent residential land uses.

2. The departure is the minimum necessary, given the specific circumstances of the request.

Comment: The departure is the minimum necessary given the specific circumstances of the request. Staff finds that the proposed 24-foot-wide access driveway leading to the loading space and parking lot is not inconsistent with the goal of minimizing the extent of the departure required. Provision of a minimum 22-foot-wide access drive would only reduce the amount of departure required by one foot on each side of the driveway. Because 22 feet is a minimum requirement, an additional two feet in width to service a 400-seat church is not unreasonable.

3. 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.

Comment: The departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the county developed prior to November 29, 1949. Staff concurs with the applicant that the shape of the subject site renders development of the site in literal compliance with the requirements impossible. The applicant states: "...these owners have no alternative access to the property and their limited frontage is established with the plat of the property [52.04 feet]. There is no simple way the applicants can provide access to the property within the physical constraints of the site and consistent with the provisions of the Code." To meet the minimum setback requirement, the site would require a pipe stem extension of the lot that is a minimum 122 feet wide. Staff finds that this condition is specific to the subject site and is not generally present in the Developed Tier areas of the county. Neither of the neighboring churches to the north or south have this unique access limitation.

4. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

Comment: The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. The applicant believes the 24-foot-wide access driveway is the minimum necessary to safely accommodate this 400-seat church. They contend that the departure will not alter or impair the use and enjoyment of adjacent properties because church uses are on three sides of the subject site and landscaping and buffering has been provided as required. Staff finds that the redevelopment of the property with a new structure with extensive landscaping should enhance the visual, functional and environmental quality of the site and surrounding neighborhood. Thus, staff finds that the request conforms to the purposes of required parking design standards contained in Section 27-550.

I. Other Issues:

The Environmental Planning Section indicates that a standard letter of exemption is required prior to issuance of permits (April, 6, 2006, memorandum). The site improvement plan indicates that a woodland exemption was approved on October 17, 2002. In response to this information, the applicant has submitted an updated exemption letter issued on November 2, 2004, and expiring November 2, 2006.

The City of Hyattsville recommends in an April 28, 2006, letter that the request for a variance on the loading dock (space) should be rejected because the site is too small to accommodate the loading dock. Staff subsequently discussed the nature of the specific request with city staff and has sent the April 10, 2006, amended plans to the city for further consideration. It is staff's opinion that the site is being developed in accordance with all zoning requirements and that the requested departure is necessary to provide relief due to the configuration of the site and not the size of the proposed church use.

On June 2, 2006, the City of Hyattsville submitted revised recommendations related to perceived externalities potentially affecting the church's neighbors. These recommendations relate to the following issues:

- Providing a denser tree screen between the parking lot and neighboring properties, perhaps through use of evergreen or other robust trees
- Providing a photometric analysis to demonstrate that parking lot lighting does not impact adjacent properties, and
- Providing a higher quality fence to improve the visual aesthetics of the property.

The Transportation Planning Section staff indicated no comment regarding transportation issues (March 29, 2006, memorandum).

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 condition (in recognition of the concerns raised by the City of Hyattsville in the June 2, 2006 letter):

Prior to approval of a building permit, the applicant shall submit a revised site plan to the Zoning Section for approval and incorporation into the DDS case file that shows and demonstrates the following:

- a. A wrought iron or aluminum picket fence around the property, and
- b. Photometrics for parking lot lighting that demonstrates compliance with Section 27-562.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Squire, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, June 15, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of July.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator