

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed SE-4702, Embry A.M.E. Church, requesting a church in the R-55 Zone with a variance from the 25-foot setback requirement of Section 27-341.02(a)(1) 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 May 31, 2012, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a trapezoidal-shaped corner lot located at the southeast corner of Lakeland Road and 51<sup>st</sup> Avenue in the Lakeland section of the City of College Park. The property consists of approximately 0.35 acres in the R-55 Zone and is currently improved with the 3,665-square-foot Embry AME Church, portions of which date back to 1920. The church is a one-story brick building laid out in an L-shape with its front door facing onto Lakeland Road. The existing building and grounds are well-maintained and attractive. Although there is a curb cut along 51<sup>st</sup> Avenue, it is not used. There is no on-site parking. Parking is accommodated along Lakeland Road and 51<sup>st</sup> Avenue, including two spaces for the handicapped along Lakeland Road directly in front of the church entrance. Both roads are signed for three-hour church parking and the City of College Park has made available 50-church parking permits for the congregation's use.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Church	Church
Lots	1	1
Parcels	0	0
Square Footage/GFA	3,665	5,268

C. **History:** The property is known as Parts of Lot 10, Block 3, of the Lakeland Subdivision. The property was the subject of a final plat of subdivision recorded in Liber A, Folio 51, in 1890.

D. **Master Plan and General Plan Recommendations:** The October 1989 and May 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* recommends public or quasi-public land uses on the subject property. The existing and proposed use as a church is in keeping with this land use recommendation. This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification

requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. The proposed addition is well under this limitation at 18 feet in height. There are no master plan issues with regard to these applications.

**2002 Approved General Plan:** The 2002 *Prince George's County Approved General Plan* locates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

- E. **Request:** The applicant seeks approval of a special exception application to expand the existing church. The addition is proposed to be one-story, 18 feet tall, approximately 1,603-square feet in area, and will be located in the northwestern corner of the existing building. The addition contains offices, bathrooms, and other supporting rooms and will not increase the number of seats in the church's sanctuary, nor the parking requirement for the church. A small shed along the southern property line is proposed to be removed. The applicant has submitted companion variance, departure and alternative compliance applications which are also discussed in this report.
- F. **Neighborhood and Surrounding Uses:** The immediate neighborhood can be generally characterized as residential in nature. It is within the Lakeland section of the City of College Park, a historically African American community largely displaced in the 1960s and 1970s by a series of urban renewal and floodplain improvement projects. The neighborhood boundaries in this case are identified as follows:
- |               |                         |
|---------------|-------------------------|
| <b>North—</b> | Berwyn Road             |
| <b>East—</b>  | C-S-X Railroad tracks   |
| <b>South—</b> | Paint Branch Stream     |
| <b>West—</b>  | Baltimore Avenue (US 1) |

The subject property is surrounded on all four sides by single-family residences in the R-55 Zone. Just to the northwest, diagonally across Lakeland Road, is the First Baptist Church of Lakeland. The surrounding neighborhood is generally residential in nature, consisting of a mix of single-family, townhouse and apartment dwellings. Several churches, an elementary school and a community center are also found. Commercial uses are restricted to the western boundary of the neighborhood, along US 1.

- G. **Specific Special Exception Requirements:** Section 27-341.02 of the Zoning Ordinance provides the following specific requirements for a church on less than one acre:

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

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

The existing church building does not meet this requirement as it is setback only 12.7 feet from the northern property line and only 15 feet from the eastern property line. However, it meets this requirement along the southern and western property lines as it is set back 33 and 28 feet respectively, from these property lines. The building addition, proposed to be located in the northwest corner of the existing building is planned to be setback over 29 feet from the western lot line in accordance with this requirement, but only 11.5 feet from the northern property line along Lakeland Road. Therefore, a variance of 13.5 feet is requested from the northern property line for the proposed building addition and a variance of ten feet from the eastern lot line for the existing building.

The proposed building addition extends slightly closer to the Lakeland Road right-of-way than the existing church building, because the northern property line runs at an angle. This minor increase in the intrusion into the setback is acceptable as the angle of the property line is an existing condition. The building setback along the eastern lot line is not changing with this application. In fact, the eastern portion of the property is being enhanced by the addition of fencing and landscaping between the subject church and the adjacent single-family residential unit.

The City of College Park approved setback variances for the requirements of the R-55 Zone but did not address this additional setback requirement. The applicant is requesting a variance as part of this proposal. The merits of the request are discussed in a subsequent section of this report.

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

The subject property is located in the midst of a residential neighborhood on a corner lot. The church has been located at this site for more than 80 years and has relied on on-street parking to serve its congregation. Although there is a curb cut along 51<sup>st</sup> Avenue, it is not used nor is it proposed to be used in this application.

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

An on-street parking agreement, dated January 4, 2011, between the applicant and the City of College Park, provides 50 on-street parking permits for the applicant's employees and members. Two designated spaces along the Lakeland Road frontage of the site currently provide required handicapped parking for the church. It may be assumed that, when the City of College Park made the above-mentioned agreement with the applicant, they

adequately evaluated the impacts of the parking and traffic on the adjacent neighborhoods. Further, as the subject building's addition does not propose an increase in the number of seats in the church's sanctuary, it would not increase the amount of traffic generated by the church, nor increase the number of parking spaces required by the Zoning Ordinance.

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

The applicant is not proposing on-site parking, consistent with their long practice of on-street parking.

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

As an "Other Permitted" use in the R-55 Zone, the site can have a maximum lot coverage of 60 percent. As shown on the site plan, lot coverage will be 40 percent, well within the maximum allowable.

- H. **Variance to the 25-foot setback requirement of Section 27-341.02(a)(1):** Section 27-341.02(a)(1) of the Zoning Ordinance prescribes that the minimum setback for all buildings shall be twenty-five feet from each lot line. The site plan shows that this required setback is not being met along two of the four (north and east) property lines. A maximum reduction of 13.5 feet to the north and ten feet to the east is sought.

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

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

The subject property is an unusual trapezoidal-shaped lot, narrower at the front along Lakeland Road and wider at the rear. The western property line is similarly shorter than the eastern property line, resulting in an irregular building envelope for the site. In addition, the existing church building was built prior to the 25-foot setback requirement for a special exception and has an "L" shape. These existing site constraints leave the church no reasonable alternative for an addition other than within the crook of the existing building.

- (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**

Existing special exception setback requirements do not recognize the long existing nature of this church which was constructed prior to their enactment. As the congregation has aged, they need to make accommodation for their older members through the provision of accessible restrooms and the need for additional office space. Requiring the applicant to move the existing building to meet

the setback before allowing the addition would certainly constitute an unusual practical difficulty to the property owner.

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

The variance will not substantially impair the intent, purpose, or integrity of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67*, which recommends a quasi-public land use for the subject property. The 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 variance being sought by the applicant 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. Because the applicant has met the criteria for a variance, the variance should be approved.

I. **Parking Regulations:** The plan correctly notes that seven parking spaces are required to serve this use based on seating for 28 persons in the church. The site plan indicates that no on-site parking is provided, as has been the church's custom. A departure from parking and loading standards is required to address this reduction in parking spaces provided.

J. **Prince George's County Landscape Manual Requirements and Alternative Compliance Request:** The site is subject to Sections 4.2, Requirements for Landscape Strips Along Streets; 4.7, Buffering Incompatible Uses; and 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* because there is an increase in gross floor area (GFA) of more than ten percent. The subject application is exempt from the requirements of Section 4.3, Parking Lot Requirements. The applicant has filed a request for Alternative Compliance from Section 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 following comments are offered regarding conformance of the submitted plans to these requirements:

1. **Section 4.2 (previously Section 4.3.a.)**—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 applicant chose Option 1, in the Developed Tier, for a Section 4.2 landscape strip along Lakeland Road, which requires a minimum ten-foot-wide landscape strip, planted with one shade tree and ten shrubs per 35 linear feet of street frontage, excluding driveway openings. 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 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 applicant also chose Option 1, in the Developed Tier, for a Section 4.2 landscape strip, which requires a minimum ten-foot-wide landscape strip, planted with one shade tree and ten shrubs per 35 linear feet of street frontage, excluding driveway openings. Along this 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 the Recommendation Section of this report. Given the fact that the church has existed on the site since the 1920's 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*.

2. **Section 4.7**—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 building 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 the recommendation section of this report. 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 Planning Board 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*.

- K. **Zone Standards:** With the approval of a variance for the setbacks, the applicant's proposal meets the requirements and regulations of the R-55 Zone.
- L. **City of College Park:** The City of College Park is in support of these applications.
- M. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

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

The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety, and welfare of the present and future inhabitants of the county. The proposed use 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 applications for alternative compliance and a variance, 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;**

As previously noted, the proposed use is not in compliance with either the 2010 *Prince George's County Landscape Manual* requirements or the specific requirements for this special exception use. However, staff and the City of College Park are supporting applications for alternative compliance (AC) and a variance to address these deficiencies, as previously discussed.

**(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;**

This application is subject to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, which recommends a commercial land use for the subject property. The subject property is located within the R-55 Zone, which allows the use subject to the grant 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;**

None 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. The proposed addition would have a negligible impact on the adjacent transportation network and, therefore, no safety issues are anticipated.

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

The two primary ways that compatibility between uses can be achieved is through the provisions of the Landscape Manual and (in this case) the 25-foot setback prescribed by the Code. The applicant is seeking alternative compliance and a variance from these requirements, respectively. The Planning Board is recommending approval of both the alternative compliance request and the variance based on the findings discussed previously.

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

The site is exempt from the requirements of the Woodland Conservation Ordinance because it is less than 40,000 square feet in area and has no previously approved tree conservation plan. A Standard Letter of Exemption (#4463) was issued by the Environmental Planning Section on January 28, 2011.

- (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.**

There are no regulated environmental features on the site.

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 Special Exception SE-4702, Alternative Compliance AC-11025, and further APPROVED the Variance Application No. VSE-4695, subject to the following conditions:

APPROVAL of Special Exception Application No. SE-4702, subject to the following conditions:

1. The site plan should be revised to reflect the approval of the associated Alternative Compliance application AC-11025.
2. Prior to the close of the record, color architectural elevations of the proposed building addition shall be submitted so that an evaluation of the proposed architecture and its compatibility with the existing building may be made.



3. A note shall be placed on the site plan 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.
4. Variance Request VSE-4702 shall be noted on the site plan in Note 18.
5. Prior to building permit, the applicant shall revise the site plan to 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.

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

1. Prior to final approval 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 *Myrica Pennsylvanica* 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.

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.

\* \* \* \* \*

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 Squire, seconded by Commissioner Shoaff, with Commissioners Squire, Shoaff and Bailey voting in favor of the motion, with Commissioner Hewlett recused, and with Commissioner Washington absent at its regular meeting held on Thursday, May 31, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of June 2012.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Jessica Jones  
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.

Matt Williams  
M-NCPPC Legal Department

Date 6/12/12