

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

**SPECIAL EXCEPTION
25003
ALTERNATIVE COMPLIANCE
25002**

DECISION

Application: Church and Alternative Compliance
Applicant: Primera Iglesia Adventista Eben-Ezer, Inc.
Opposition: None
Hearing Dates: July 20, 2025 and September 10, 2025
Decision Date: November 24, 2025
Examiner: Maurene Epps McNeil
Disposition: Approval with Conditions

Nature of Proceedings

- (1) Special Exception 25003 is a request for permission to use approximately 0.6244-acre of RSF- 65 (Residential, Single-Family-65) zoned land, formerly R-55 (One-Family Detached Residential) zoned land for a 3,919-square-foot church with eighty (80) seats, located on six parcels, and identified as 813, 815, 901, and 903 Cypress Drive, Capitol Heights, MD, Alternative Compliance (AC-25002) is requested from Section 4.7 of the Landscape Manual concerning the requirement of a Type C Bufferyard to buffer the Church from abutting single family detached dwellings. Applicant also seeks a variance from Subtitle 25 for the removal of specimen trees.
- (2) Applicant has requested that this Application be reviewed under the provisions of the prior Edition of the Zoning Ordinance in effect prior to April 1, 2022. This request was timely made, pursuant to Section 27-1900, *et. seq.*, of the current Edition of the Zoning Ordinance. (Exhibit 36, p.4)
- (3) Staff recommended approval of the Special Exception, with conditions. (Exhibit 36)
- (4) No one appeared in opposition at either hearing held by this Examiner.¹ A neighbor did testify concerning her concerns with the use.
- (5) The record, consisting of 55 Exhibits and the transcript of the September 10th Hearing, closed on September 10, 2025.

¹ The Special Exception application was originally scheduled for hearing on July 30, 2025. Applicant requested a continuance, and it was rescheduled. (Exhibit 38).

FINDINGS OF FACT

Subject Property and Surrounding Uses

(1) The subject property is comprised of Lots 814 (Tax Account 18-2039063), 815 (Tax Account 18-2039063), 816 (Tax Account 18-2100501), 817 (Tax Account 18-2100501), 818 (Tax Account 18-2035830), and 819 (Tax Account 18-2062271). It is located on the east side of Cypresstree Drive, across from its intersection with K Street. There is an existing Church and associated parking on the site, and a single access from Cypresstree Drive. A Woodland Conservation Letter of Exemption was issued for the site because it has no previous Tree Conservation Approval and is less than 40,000 square feet in size. (Exhibit 27, Backup pp. 25-26) The site is generally level, but a swale traverses across the front of the existing Church, which is the location for the enclosed public storm drainage system. A sanitary sewer that drains the southern portion of the adjacent Jefferson Heights subdivision also runs across the site.

(2) The neighborhood is bounded by Sheriff Road to the north, Martin Luther King Jr. Highway to the south, Glen Willow Drive to the east, and Addison Road to the west.² As noted by the Technical Staff, the neighborhood is primarily residential, consisting mostly of single-family detached housing, a small area of townhouses, some multifamily dwellings, a few churches, government buildings, a school, and commercial uses in the southwest corner. (Exhibit 36, p. 6)

(3) The subject property is surrounded by the following uses:

- North—** Detached Single-Family Dwellings in the RSF-65 (Residential, Single-Family 65) Zone, and previously in the R-55 (One-Family Detached Residential)
- South—** Detached Single-Family Dwellings in the RSF-65 Zone, and previously in the R-55 Zone
- East—** Detached Single-Family Dwellings in the RSF-65 Zone, and previously in the R-55 Zone
- West—** Cypresstree Drive right-of-way, and beyond, Detached Single-Family Dwellings and a Church or similar place of worship in the RSF-65 Zone, and previously in the R-55 Zone

² Applicant's witness, accepted as an expert in land use planning, suggested a different southern boundary and agrees with Staff on the other three boundaries. I have accepted Staff's southern boundary since the two streets are relatively close and the Staff's southern boundary and western boundary captures a small portion of the two municipalities closest to the site. (Exhibit 35)

General Plan/ Master Plan/Sectional Map Amendment

(4) The subject property is located within an area governed by 2010 Subregion 4 Master Plan (“Master Plan”) and Sectional Map Amendment and the 2014 General Plan/ Master Plan. The Master Plan recommends institutional land use for the subject property, most likely in recognition of the existing Church on the site.

(5) The 2014 General Plan (“Plan 2035”) designates the property as part of the Established Communities. (Plan 2035) The Plan notes that “established communities are most appropriate for context-sensitive infill and low-to medium-density development. (Plan 2035, p. 20)

Applicant’s request

(6) Applicant has been issued a Certificate of Good Standing from the State Department of Assessments and Taxation (“SDAT”), which allows it to conduct business in Maryland. (Exhibits 25 and 54) The Applicant has owned the subject property since 2024, and the prior owners operated a church known as the Washington Fellowship Church. The site is 0.62 acres, improved with an existing 1,337.67-square-foot Church that was constructed circa 1940, along with associated parking. (Exhibit 36, pp.6-7) Permit No. 8376-1992-CGU was previously issued by the County for a Church with 48 seats. The application complies with all the bulk regulations outlined in Section 27-442 of the prior Zoning Ordinance. (Exhibit 40, p.12) However, Section 27-103 of the prior Zoning Ordinance and Section 4.7 of the Landscape Manual require greater side yard depths, necessitating alternative compliance (discussed below).

(7) Mr. Juvar Portelo, the pastor of the Church and President of the Corporation, was authorized to testify on the Applicant’s behalf. (Exhibit 53) He testified that his Church is relocated to the site and wishes to expand to accommodate the membership. He believed the request would not have any greater impact on the community:

Well, ... when we bought this property, ... that was the purpose to ... start our meetings there for our services. We don't -- we don't have services there [often]..., just occasionally some meetings but not worship meetings.... Our main services are ... on Saturdays only. Probably one day during the week on Wednesday, but only ... on Saturdays from 9:15 through 12:00.... If we have meetings, we're going to ... use it... [b]ut only for the [church] board....

(T.47-48) Pastor Portelo also stated that the Church agrees with the recommended conditions of approval set forth in the Technical Staff Report. (T. 48)

(8) Mr. Scott Wollford, accepted as an expert in the area of landscape architecture, prepared the Special Exception Site Plan to (Exhibit 40). Applicant seeks to expand the existing Church from Lots 815, 816, and 817 to include Lots 814, 818, and 819. (Exhibit 40, Existing Conditions Plan C102) The existing church is 1337.67 square feet.

Photographs of the church and site were included in the record. (Exhibit 44) Applicant intends to raze 514 square feet and construct a new addition, increasing the building to 3,919 square feet. A new access will be constructed from Cypress Tree Drive, as well as a new five-foot-wide sidewalk. A small parking lot will be located to the north of the building's front entrance, and these renovations will ensure that all parking requirements are met on-site and provide ADA-accessible parking. There will be a small ramp from there to the covered portico over the front of the church. Applicant is also creating a paved area with landscaped trees and a seating area where members will be able to congregate. An extensive landscape buffer will surround the property on the north, east, and west of the site. Approved stormwater management facilities will be located inside that buffer to accommodate the runoff. To provide security, there will be a four-foot-tall ornamental fence across the front of the property, featuring a gate at the entrance, and a six-foot-tall fence for the back (or east) half of the site and along the south boundary.

(9) The Site Plan and architectural elevations provided for the fence and the proposed addition to the Church depict the proposed changes. (Exhibit 35, slides 10-14) Renovations will also be made to the parking compound to ensure that all parking requirements are met on site. Mr. Wolford described the proposed changes depicted in the architectural elevations (Exhibit 11):

[T]he elevation at the bottom is the west elevation or the front of the building. The ... elevation at the top is the east elevation or the opposite end of the building that ... faces the residences at the back.

Generally, the building is a one-story gable roof structure with a shingle roof, and the building uses muted tones and browns and tans and grays. There ... is fenestration, and texture and color breakup on every foundation, every elevation of the building. There [are] some places where there is a vertical element of ... brown stone. And then there [are] panels....

[There is] the portico over the [front door] waiting area..., and then a small steeple for that. Every face of this building has windows, doors, or an architectural feature to add interest. And so there's no blank walls anywhere on ... the elevations of this church....

So the elevation on the upper portion of the page is the south-facing elevation ...[that] faces internal to the site to the parking lot.... The taller element is ... the roof for the steeple of the church.... The lower elevation is ... the north-facing elevation of the building. And even here ... we have a substantial landscape buffer, ... [and] a lot of windows, doors and elements to add interest to this face of the building....

[Changes will be required to][S]heet C200, which is the special exception plan. [There are] two changes that we need to make [to the development standards.] [U]nder lot width ... [w]e have zero feet right now ... [a]nd that needs to be changed to 65 feet.... And [the proposed] minimum lot width ... we're going to be providing [is] 149.2 feet.

[T]he building height should be labeled as 17.2 feet ... [since] the steeple is exempt per Section 27-117 of the [Zoning Ordinance.]

(T. 30-35)

(10) The Landscape Plan provides different buffer yards to protect adjacent properties, described by Mr. Wolford as follows:

So, buffer yard A, which is across the ...[southern] portion of the property ...[is] 194 feet long....

The ... property is a medium impact on the adjoining property owners. So that south property line or across the bottom of the page is 194 feet long. It contains 277 plant units, which is 119 percent of what is required in the zone. And so this is made up of 4 shade trees, 30 evergreen trees, 2 ornamental trees, and 77 shrubs....[A]djacent to it on the property line or just inside the property line, will be the six-foot metal ornamental fence for the back half or the right half of the property, the east half and forefoot for the front half or the left or west side of the property. That's ... buffer yard A.

Buffer yard B, which is along the right property line or the east property line is 151 feet long. And again, we have a medium impact to the adjoining property owner. This ... buffer yard contains 233 plant units, which is 123 percent of what's required by the Code. And in this buffer yard, we have 2 shade trees, 31 evergreen trees, 4 ornamental trees, and 28 shrubs.

And across that whole property line is the six-foot decorative ornamental fence buffer yard. C is the buffer yard across the north portion of the property. It's 171 feet long. It contains 256 plant units, which is 124 percent of the required plant units for that buffer yard. This is made up of 33 evergreen trees, 3 shade trees, three ornamental trees, and 46 shrubs. And of course, the six-foot decorative ornamental fence for the right or east, maybe two-thirds of the property, and then a four-foot ornamental fence.

It'll be continuous across the ... west side or the left side of the ... property line along the Cypress tree Drive, which is the road frontage. It's 110 feet long. We're including a ten-foot landscape strip along the entire frontage. And there's also a four-foot ornamental fence along the entire frontage, except for where there's a gate where our new entrance comes in. This is made up of 27 shrubs, 4 shade trees. And then there's also the ... four-foot-high fence, which I noted before.

On the rest of the plan, there are shade trees at the entrance, kind of creating a bosque over the entry patio, and sitting area out in front of the congregation area, out in front of the church. There are landscaped islands in the parking lot to break up the heat island effect and create interest. These ... have shrubs in them, in this case in green and deciduous shade trees. And then there's foundation plants along the south side of the building or the lower part of the building on this plan....

(T. 23- 27)

(11) Applicant originally requested alternative compliance to Sections 4.3 and 4.7 of the Landscape Manual due to site constraints and the placement of the parking lot. At the hearing, Mr. Wolford described the reason for the request and why alternative compliance to Section 4.3 is not needed:

There is one alternative compliance request from section 4.7 of the Landscape Manual.... [T]he type C buffer yard which is provided along the north, east and south

face of the property has been decreased [in] width from 30 feet to 20 feet. And the building setback has been decreased from 40 feet to 25 feet.... And the building setback has been decreased from 40 feet to 25 feet.

The reason that we're asking [for] this is ...is this is an infill lot, and we have limited space on the property. And we're trying to make the best use of it, and landscape it very well to buffer from the adjoining property owners and provide a good experience when you are on the property at the church. We do have to provide a functional access to the property for vehicles, and for vehicular and pedestrian circulation, which forced the parking lot across the south face of the building which made it a little tighter than it needed to be down there....

[I]f we did adhere to the ... full depth of the buffer yards, without the alternative compliance, it would have greatly reduced the ... buildable area of the site and made it less than optimum for ... the project. [T]here's a substantial amount of landscape out there in all cases. We exceeded the requirements for the ... plant units in each of the ... buffer yards. And we have included the ... four and the six-foot fence to try to ... help this.

There ... was one other alternative compliance that ... the staff thought we needed, and we worked on that with them. That was from [Section] 4.3, the internal green for the parking area. But on further consideration and calculation of that, we did find out, and then staff agreed with us, that we didn't need that alternative compliance from Section 4.3. In recalculating the landscape Islands and the benches at the seating area, and everything else that's included on the plan, we found that we did meet the internal green in the parking lot for the property. We didn't need that alternative compliance....

(T. 26-27)

(12) Mr. Wolford also prepared the photometric plan for the site. (Exhibit 30) The lighting is designed in a manner that should not intrude on adjacent properties but sufficiently lights the church property:

[T]he parking lot is lighted with three vertical poles, pole-mounted LED lights that are 14 feet tall, that cast down and don't have any glare.... There's one in the lower southwest corner of the parking lot, one in the lower southeast corner of the parking lot, one in the lower southeast corner of the parking lot, and one just south of the building in a planter island in the center of the north side of the parking lot.... [A]nd those are all labeled as fixture A, which is a single-head, 14-foot LED site light.

There is one additional light, which is at the front of the building, and it is ... labeled as light B, and it has two square boxes on it. So it's 14-foot mounted height, and instead of having one LED light at the top, it has two. And then the numbers that are all over the plan represent the footcandles that we have on the ground plane throughout the site. And, as you can see, when we get to all the property lines, we're down to zero-foot candles, so we're spilling no light onto any of the adjoining properties when the lights are on during use of the property.

(T. 29-30)

(13) Michael Lenhart, accepted as an expert in traffic engineering and land use planning, prepared a Traffic Impact Memo (Exhibit 15) and testified in support of the request. He explained that the site is exempt from preliminary plan of subdivision review; accordingly, no analysis of adequacy of public facilities will be required. He explained why he believes that the impact of the use from a traffic perspective can be found not to adversely impact the public health, safety, and welfare:

Cypresstree Drive ...[is] approximately one-quarter mile south of Sheriff [Road] ... a master planned arterial road listed as A21. Cypresstree Drive is approximately... 26 feet of paving ... consistent with Prince George's County standards for secondary residential road. Cypresstree Drive also connects to Jefferson Heights Drive, which provides a connection to Addison Road and Addison Road is a master Planned collector road C408....

[T]his project has a de minimis impact on the road network. During the weekday morning and evening peak hours, it only generates two trips in the weekday morning and evening peak hours. De minimis is defined as five or fewer peak hour trips. During a typical church service on a Saturday morning, the site [,] ... based upon an 80-seat church, would generate a total of 43 peak hour trips, that's 21 in and 22 out during the Saturday morning peak....

And so ... even during the Saturday peak ... there is a small impact. However, those trips ... are spread across two primary access routes ... north to Sheriff [Road]. And then the other would be kind of south and west to Addison Road. And based upon the small amount of trips and spreading those across various routes, this would have a negligible impact on traffic at all of those routes and intersections....

[The Zoning Ordinance also] states that the Applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect residential neighborhoods.... Regarding the parking, this is [an] 80-seat church. The Zoning Ordinance requires one ... space per four seats, which would require twenty parking spaces on the site. Those are being provided on site ... which would lessen the need or potential for offsite parking along the street.

And therefore, [the request] ... satisfies [the Zoning Ordinance] as it related to parking and traffic.

(T. 52-54,58) The witness also noted his concurrence with all transportation-related findings in the Technical Staff Report. (T. 54-55)

(14) Mark Ferguson, accepted as an expert in land use planning, testified and provided a Land Planning Analysis that addressed the planning matters relevant to the request. (Exhibit 50) In his analysis, the witness concluded that the request satisfies Section 27-317 (general requirements for all special exceptions), reasoning in a pertinent part as follows (citations omitted):

Compliance with Section 27-317:

Section 27-317(a)(1) The proposed use and site plan are in harmony with the purposes of this Subtitle:

- (1) *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;*

The proposed expanded place of worship will be developed in accordance with modern development regulations to provide modern stormwater management and landscaping, protecting the public health and safety. The proposed development will include landscaping to meet the Landscape Manual and tree canopy coverage requirements and will thus provide a comfortable and convenient environment for its congregants and promote the comfort and welfare of the present and future inhabitants of the County.

- (2) *To implement the General Plan, Area Master Plans, and Functional Master Plans;*

The relevant plans which apply to this site are the 2014 General Plan, the 2010 *Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment*, and a number of Functional Master Plans, including the Resource Conservation Plan (which includes the Green Infrastructure Plan), the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan....

[T]he General Plan classified the subject site in its Growth Policy Map in the Established Communities category. The printed Generalized Future Land Use Map designated it for Residential Medium land use.

[The General Plan defined 'Established Communities' as areas] most appropriate for context-sensitive infill and low- to medium-density development....

It is this planner's opinion that the approval of the subject application would be context-sensitive infill development by virtue of (1) the modest scale of the proposed house of worship; (2) ... the existence of a modest number of other similarly-scaled houses of worship in the neighborhood; and (3) ... the subject property's location on Cypress Drive, which runs directly from Sheriff Road to the subject property....

The Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment[s] ... "Land Use" map recommends the subject property for "Institutional" and "Residential Medium" land uses....

The Master Plan contains ... more specific goals, policies and strategies which are relevant to the proposed development....

The Land Use and Urban Design Element [iof the Master Plan] is proposed to be implemented through nine Strategies, two of which are particularly applicable here:

- "Encourage religious institutions to locate to residential or institutional land use areas, rather than commercial or industrial sites, to preserve the subregion's tax base.
- Discourage additional churches from locating in business parks and commercial areas."

This policy is echoed in the Plan's Living Areas and Industrial Centers Element, which includes in its recommendations for Zone 2 and Living Area B (in which the subject property is located) the following:

- Steer churches/religious institutions to residential or institutional land use/zoning areas, rather than commercial or industrial sites to keep from losing additional tax base.

The location of this proposed expanded church, with the neighborhood protections provided for by the additional requirements of Section 27-341.02..., will implement these policies, strategies and recommendations....

Policy 2 for transportation systems in Zone 2 is, "improve pedestrian connectivity throughout Zone 2 by installing sidewalks." The Special Exception Site Plan illustrates the construction of a new sidewalk along the property's Cypress Drive frontage in accordance with this recommendation.

Policy 3 for water quality and stormwater management in the Plan's Environment Element is to, "require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment activities."¹¹ The Special Exception Site Plan illustrates the construction of a new stormwater management system for the proposed expansion, which includes the use of bioretention facilities and underground stormwater management for flood control in accordance with this Policy.

Policy 2 for green buildings/sustainability in the Plan's Environment Element is to, "implement land use policies that encourage infill and support TOD and walkable neighborhoods." Because the subject property is an infill site and will propose new sidewalks, the approval of this Application will implement this Policy of the Subregion 4 Master Plan.

Policy 1 for tree canopy and green space in the Plan's Environment Element is to, "preserve, restore, and enhance the existing tree canopy....These policies will be fulfilled by the proposed Special Exception Site Plan through its conformance with the requirements of the County's Tree Canopy Coverage Ordinance, and the Sustainable Landscaping provisions of the Landscape Manual.

Finally, Policy 2 of the Plan's Housing and Neighborhood Conservation Element is to, "ensure that infill is compatible with surrounding neighborhoods."¹⁵ Through its modest scale and its conformance with the neighborhood protections provided for by the additional requirements of Section 27-341.02 of the prior zoning ordinance, the approval of the instant Application will implement this Policy...

Other Applicable Functional Master Plans

The subject property does not contain any Regulated Areas of the County's Green Infrastructure Network. In the Technical Staff Report and its supplemental memorandum, staff reviewed the Green Infrastructure Plan element of the County's 2017 Resource Conservation Plan, finding that because the subject property does not contain any regulated environmental features, the instant Application does not impair the Green Infrastructure Plan. This planner agrees.

Further, however, the stormwater management proposed in connection with proposed church expansion will also implement the fifth policy of the Green Infrastructure Plan, which is to, "improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands."

With regard to the Historic Sites and District Plan, no historic sites are located within 1,000 feet of the subject property....

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject application.

The 2009 Countywide Master Plan of Transportation, as amended by the 2010 Subregion 4 Master Plan does not propose any facilities in the vicinity of the subject property....

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;*

This Application ... is below the threshold that requires the approval of a preliminary plan of subdivision to confirm the adequacy of public facilities and services. Because of its small scale, approval of the subject Application would not be in conflict with this purpose

- (4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

Approval of the subject church would provide for the orderly growth and development of the County by providing for a modest expansion to a long-existing use in an established neighborhood with the neighborhood protections provided for by the additional requirements of Section 27-341.02....

- (5) *To provide adequate light, air, and privacy;*

The expansion of the subject church will be in harmony with this Purpose of the prior zoning ordinance as it will be developed in conformance with the regulations to govern height, lot coverage, frontage and setbacks to ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors. The Special Exception Site Plan will also conform to the provisions of the Landscape Manual which require landscaped bufferyards to provide additional privacy to its neighbors.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;*

This proposed church expansion would be in harmony with this Purpose of the prior zoning ordinance as it will be developed in accordance with the various principles that have been codified in the prior zoning ordinance to promote the beneficial relationships between land

and buildings ...[which include the provision of] modern stormwater management,... conformance with the provisions of the Landscape Manual..., and through its conformance with the ... additional requirements of Section 27-341.02.

(7) *To protect the County from fire, flood, panic, and other dangers;*

The approval of the subject application would be in harmony with this Purpose of the prior zoning ordinance as it will be developed in conformance with regulations established ... which are intended to protect from fire, flood, panic and other dangers...namely: the floodplain regulations, stormwater management regulations, the fire prevention cod, and the tables of permitted uses....

(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

Because the proposed use is institutional use rather than a residential use, the proposed church expansion will nevertheless protect the suitable and healthy living environment for the surrounding residents through its modest scale and its conformance with the neighborhood protections provided for by the additional requirements of Section 27-341.02.

(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

Because of the subject church's small scale and institutional character this purpose is not materially applicable to the instant Application, though its construction will require the desirable employment of a number of construction workers in a number of trades.

(10) *To prevent the overcrowding of land;*

The approval of the subject church expansion would be in harmony with this Purpose as it will conform to the provisions of the prior zoning ordinance which were codified to ensure the prevention of overcrowding, including setback requirements; lot coverage limits; and building height limits, and further through its conformance with the neighborhood protections provided for by the additional requirements of Section 27-341.02.

(11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;*

The approval of the subject church expansion home would be in harmony with this Purpose because it will be developed in accordance with the regulations established in the body of the prior zoning ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for the provision of adequate off-street parking.

(12) *To [ensure] the social and economic stability of all parts of the County;*

As a zoning ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, this planner believes that conformance with the

requirements and regulations of the prior zoning ordinance will be prima facie evidence of the Application's harmony with this purpose.

- (13) *To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;*

The subject application will generate no new air or water pollution, and will disturb no stream valleys, lands of natural beauty, large areas of dense forest, scenic vistas and other similar features.

- (14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;*
- (15) *To protect and conserve the agricultural industry and natural resources.*

Because the subject property does not contain regulated environmental features and is not located in an agricultural area, these final two Purposes of the prior zoning ordinance are not applicable to the approval of this Application, except to the extent that the proposed expansion, located on an existing, developed site, will not consume greenfields elsewhere in the County.

[Compliance with the purposes of the R-55 Zone]

In addition ..., there are four Purposes for the prior R-55 (One- Family Detached Residential) Zone specifically, which are laid out in Section 27-430(a)(1), as follows:

- (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;*

Because the proposed use is for a specialized institutional use that is provided for in the Table of Uses for the R-55 Zone, these two purposes are not directly applicable to the instant Application, except to the extent that the proposed church will meet the neighborhood protections provided for by the additional requirements of Section 27-341.02, which require a larger side and rear setbacks and a limit to the maximum lot coverage which are compatible with these purposes of the R-55 Zone for residential development.

- (C) *To encourage the preservation of trees and open spaces; and*

The proposed church will be in conformance with this purpose of the R-55 Zone by virtue of its compliance with the requirements of Subtitle 25 for Tree Canopy Coverage.

- (D) *To prevent soil erosion and stream valley flooding.*

The proposed Special Exception Site Plan proposes to provide 100-year stormwater management, and will be constructed in accordance with the requirements of an approved

Sediment and Erosion Control Plan, thus being in harmony with this Purpose of the R-55 Zone....

Compliance with Section 27-317, continued:

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

Based upon an inspection of the proposed Special Exception Site Plan and Landscape Plan, and to the best of this planner's professional knowledge, information and belief, that, with the grant of Alternative Compliance AC-25002, ... the proposed use will be in conformance with all of the applicable requirements and regulations of the prior zoning ordinance.

While the contents of the proposed plan are conforming, ... the following minor corrections should be made:

1. In the development Standards Table on Sheet C200, the minimum required lot width shall be amended to 65', and the proposed lot width amended to 149.2 feet;
2. the proposed building height should be corrected from the 30' depicted on the plan to the approximate 17' building height depicted on the elevations included in the backup to the Technical Staff Report;
3. the area of the parking lot on Schedule 4-3.2 of Sheet C300 be amended to 8,213 square feet, the area of interior landscaped area required be amended to 657 square feet, and the area of interior landscaped area provided amended to 701 square feet.

(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;*

As discussed at length above, it is the Applicant's belief that the subject Application is in harmony with the Purposes of the prior zoning ordinance generally to implement the General Plan, Master Plans and Functional Master Plans....

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

As this planner believes to have been amply demonstrated, the conformance of the subject application with the principles laid out in the purposes of the prior zoning ordinance, its compliance with the provisions of the prior zoning ordinance, its compliance with the provisions of other State and County regulations for environmental protection, site construction and building construction represent a high level of protection against adverse effects to the public health, safety and welfare....

[Moreover, due to]... the modest scale of the proposed church expansion, and its conformance with the neighborhood protections provided for by the additional requirements of Section 27-341.02, the approval of the instant Application will not adversely affect the health, safety and welfare of residents and workers in the area beyond what is generally expected of churches on lots of land less than an acre in size, regardless of their location in the R-55 Zone.

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

Because of its long existence in the neighborhood, the relatively low traffic generation and relatively low impact generally, the expansion of the existing church will not adversely affect the use or development of the adjacent properties or the general neighborhood.

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

Because the subject property is less than 40,000 square feet in area, it is exempt from the requirement to have a Tree Conservation Plan.

(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.*

As discussed above, the subject property does not contain any regulated environmental features.

Finally, this planner notes that because the site is not located within the Chesapeake Bay Critical Area, the provisions of §27-317(b) are not applicable to the subject application....

In summary, this planner believes that the general findings discussed above which are required for approval of a Special Exception are met.

(Exhibit 50)

(15) Mr. Ferguson also found compliance with Section 27.341.02(a) since:

- No part of the building will be less than 25 feet from any lot line. The more stringent 40-foot setback required by the Landscape Manual and Section 103 of the prior Zoning Ordinance cannot be met for the northern, eastern, and southern property lines. However, if the proffered alternative compliance in AC-25002 is approved the increased setback will be waived. (Section 27.341.02(a)(1))
- The site only fronts on Cypress tree Drive, which is internal to the Cedar Heights Subdivision. Accordingly, It is not possible to locate ingress and egress elsewhere. (Section 27.341.02(a)(2))
- All required parking for an 80-seat Church (20 spaces) will be located on-site. Moreover, a Church of this size has been found by the expert transportation planner to only generate 2 AM and 2 PM peak hour trips, a de minimis amount. Thus, parking and traffic generated by the request will not adversely affect the neighborhood. (Section 27.341.02(a)(3))

- All of the current parking spaces are in the front yard of the existing Church. If approved, the Special Exception site plan relocates the majority of the spaces to the side yard of the Church. Thus, most will be removed from the front yard. (Section 27.341.02(a)(4))
- The proposed Application will result in 50.2% lot coverage; the maximum allowable in the zone is 60%. (Section 27.341.02 (a) (5))

(Exhibit 50)

(16) Ms. Belinda Vines testified that, while not opposed to the request, she had certain concerns, summarized as follows:

So, my concern was the parking and the traffic.... I do live on the street. I work from home, and I see the traffic on the streets over the weekend. This is when it's the ... busiest.... It's not that busy other than the school bus and the school kids [during the week.]

There's been two accidents on this street in about six months where people have hit parked cars. The street is a small street. I know they said it was about 50-foot-wide ..., but people park on both sides of the street, which means there's less room to pass. So one car has to stop and let the other car go by.

And so my concern is just that with the parking there, there's going to be an issue. The other church that I mentioned or that's on record, they do have services and things and activities on Saturdays. They have ... a youth ministry [activity] on every third Saturday, like from 1:00 to 3:00. They have food distribution every second, third, and fourth Saturday from 10:00 to 2:00. And I know with churches they have more services other than their worship services. So it's either Sunday or Saturday. There are other meetings and other things that take place during the week.

So my concern is just parking and how [it will impact]the residents ... because some of these residents have multiple cars and the driveways normally only hold maybe two cars. And I know my neighbors on both sides of me, they each have three cars. And so they park one of their cars on the street....

And then when the construction actually gets underway, will there be any issues with the street, like any sort of closures during certain times, are there times where the construction will take place and what ... can the residents expect?

(T. 59,82,84-86)

Agency Comment

(17) The Department of Permitting, Inspections and Enforcement ("DPIE") noted "no objection" to the instant request. DPIE issued a Stormwater Management Concept Approval letter for the use. Applicant was issued a Natural Resources Inventory (NRI-140-2024) and a Letter of Exemption from the Prince George's County Woodland and

Wildlife Habitat Conservation Ordinance for the site because the property has no prior Tree Conservation Plan and is less than 40,000 square feet in size. (Exhibit 21)

(18) The Prince George's County Planning Department's ("Planning Department") Subdivision Division stated that there is no prior preliminary plan of subdivision for the subject property. However, the site is subject to a final plat of subdivision approved in October 1970. The total development proposed does not exceed 5,000 square feet of gross floor area. Accordingly, pursuant to Section 24-111(c)(2) of the Prince George's County Code, the expansion of the Church is exempt from filing a preliminary plat and a new final plat. The Subdivision Section did note that all bearings and distances must be clearly shown on the Special Exception Site Plan and must be consistent with the record plat. (Exhibit 36, Backup p. 28)

(19) The Planning Department's Planning Director and the Alternative Compliance Committee recommended approval of the Applicant's request seeking alternative compliance from the requirements of Sections 4.3 and 4.7 of the Landscape Manual for the northern, eastern, and southern property lines, since "the provision of the fence and additional plant units, as well as the configuration of proposed improvements ... is equally effective as normal compliance." (Exhibit 36, Backup pp. 43-47)

(20) The Planning Department's Transportation Planning Section stated that the request is subject to the 2009 Countywide Master Plan of Transportation and the 2010 Master Plan. It noted that there are no master planned bicycle or pedestrian facilities that affect the site; the Applicant is providing two inverted U-style bicycle racks; the Special Exception Site Plan includes a five-foot-wide sidewalk, crosswalk and ADA accessible curb ramp crossing the vehicle access point from Cypress Tree Drive; and the access driveway is 30-foot-wide (more than required by the Zoning Ordinance). It therefore opined that "the vehicular, pedestrian, and bicycle access and circulation for ... [the Special Exception Site Plan] are acceptable, consistent with the site design guideline pursuant to [Subtitle] 27, and meet the findings for pedestrian and bicycle transportation."

(Exhibit 36, Backup pp. 30-31)

(21) The Planning Department's Community Planning Division opined that the expansion of an existing Church and its associated on-site parking will not substantially impair the integrity of the 2010 Subregion 4 Master Plan or the 2014 General Plan (Plan 2035) for the following reasons:

- As an infill development within the Established Communities Policy Area, it meets the goal of context-sensitive infill and low-to medium-density development, and certain policies of the Master Plan concerning this infill development's furtherance of Green Building/Sustainability practices.
- The expansion furthers a policy of the Master Plan that notes that religious institutions should be encouraged to locate in residential areas to preserve the subregion's tax base.

- The expansion furthers a Master Plan policy that stresses the preservation and enhancement of the green infrastructure network since the approved NRI-140-2024 notes the absence of sensitive or regulated environmental areas on the property.
- Environmental Site Design practices have been proffered to treat stormwater, including two micro-bioretenment facilities and an underground storage system for 100-year control, and this also supports a Master Plan policy concerning green infrastructure.
- While the site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance, the site incorporates a sufficient number of evergreen and deciduous trees on site along landscape buffers, thereby preserving Master Plan policies concerning the preservation, etc., of tree canopy.

(Exhibit 36, Backup pp. 37-40)

(22) The Technical Staff recommended approval (with conditions), based on the thorough discussion and recommendations forwarded by the various divisions of the Prince George's County Planning Department, excerpted as follows:

[The request satisfies the provisions of Section 27-317 of the prior zoning Ordinance.] Staff find that the proposed use is in harmony with the purposes of [the Zoning Ordinance], and will not negatively impact the health, safety, and welfare of the public. The proposed church or similar place of worship expansion will be adequately buffered from surrounding residential uses, in accordance with the requirements of the 2010 [Landscape Manual]....The proposed project will bring the current building and its addition into compliance with the Americans with Disabilities Act, building code, and zoning requirements. It will allow more congregants without substantial impact to public facilities....

[T]his application has demonstrated conformance with the requirements and regulations of the Zoning Ordinance.... The application has also demonstrated conformance with the Landscape Manual, the [Woodland Conservation Ordinance], and the Prince George's County Tree Canopy Coverage, as ... addressed with recommended conditions of approval....

The proposed addition to the church or similar place of worship will not substantially impair the integrity of the 2010 ...[Master Plan which] recommends institutional land uses on the subject property.... This special exception proposes a church ... which per Section 27-441(b) of the prior Zoning Ordinance, is an institutional use.... The subject property lies in Living Area B [and]...[e]xpansion of a church ... does not impair any of the policies and strategies enumerated for Living Area B, on pages 105 and 106 of the master plan....

[There are no] goals and policies [in the master plan] related to historic preservation ... specific to the subject site, or applicable to the proposed development....

Transportation Planning staff also determined that vehicular, pedestrian, and bicycle access and circulation for this plan are acceptable, and consistent with the 2009 Approved Countywide Master Plan of Transportation....

The proposed use will not have adverse effects on the health, safety, or welfare of residents. Only one additional parking space is proposed, which will provide adequate parking on-site per Section 27-568 of the prior Zoning Ordinance. The safety of vehicular circulation is improved with defined drive aisles, appropriate dimensions for perpendicular and parallel spaces, and pedestrian walks separated from vehicular circulation.... [T]he use will also be adequately buffered from surrounding residential uses by compliance with the standards of the Landscape Manual, by measures deemed sufficient by the Alternative Compliance Committee, as documented in the recommended Alternative Compliance AC-25002.... The proposed use will not be detrimental to the use of surrounding properties [for these same reasons]....

[The request satisfies the additional requirement found in Section 27-341.02 of the prior Zoning Ordinance.][A]n approved Natural Resources Inventory (NRI-140-2024) was submitted with the application. The site contains no regulated environmental features to preserve and/or restore....

[Once the alternative compliance is granted the applications can be found to satisfy the] minimum setback requirement of 25 feet from all lot lines... Ingress and egress to the property is via Cypressstree Drive.

There is no feasible alternative to the proposed access, as the property only fronts on Cypressstree Drive.... All parking is internal to the subject site and will not adversely affect the adjacent residential neighborhood ... as parking capacity is proposed to be expanded by only one space....

[T]he majority of on-site parking will be located to the side of the proposed building... These spaces will not negatively impact the aesthetic along Cypressstree Drive, as the front parking area will be screened from the street by a required landscape strip. All other parking spaces are located to the side of the building....

[T]he maximum allowable lot coverage for a church or similar place of worship in the R-55 Zone is 60 percent. The proposed lot coverage is 50.2 percent (13,653 square feet).....

Based on the applicant's statement of justification, the analysis contained in the technical staff report, [and] associated referrals, ... the applicant has demonstrated conformance with the required special exception findings, as set forth in the prior Prince George's County Zoning Ordinance.... Therefore, staff recommend approval of ... SE-25003 and ... AC- 25002....

(Exhibit 36, pp. 7-11, and 21)

(23) The Technical Staff also noted that “[a]s of the writing of [the] technical staff report, no correspondence has been received from the surrounding community.” (Exhibit 36, p. 21)

APPLICABLE LAW

(1) A special exception for 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 Sections 27-317 and 27-341.02 of the Zoning Ordinance.

Sec. 27-317. Required findings.

- (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 2 Tree 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.

Sec. 27-341.02. Church or similar place of worship.

- (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.

(2) The request for Alternative Compliance must satisfy Sections 1.3a and 1.3b of the 2010 Landscape Manual. These Sections provide as follows:

Requests for alternative compliance may be approved for any application to which the requirements apply when one or more of the following conditions are present:

- (1) Topography, soil, vegetation, or other site conditions are such that full compliance with the requirements is impossible or impractical; improved environmental quality would result from the alternative compliance.
 - (2) Space limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites, and improvements and redevelopment in older communities.
 - (3) Change of use on an existing site increases the buffer required by Section 4.7, Buffering Incompatible Uses, more than it is feasible to provide.
 - (4) Safety considerations make alternative compliance necessary.
 - (5) An alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the design criteria in Section 3, Landscape Elements and Design Criteria.
- (b) A proposed alternative compliance measure must be equally effective as normal compliance in terms of quality, durability, hardiness, and ability to fulfill the design criteria in Section 3.

(3) The request must also conform with the purposes of the R-55 Zone found in Section 27-430(a) of the prior Zoning Ordinance:

(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.

Special Exception

(4) 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, 1325 (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.

(5) The test in Schultz has been applied over the decades, but there has been clarification as to what was meant by “the neighborhood,” as noted in Attar v. DMS Tollgate, LLC, 451 Md. 272, 280 (2017):

[Under the County’s law], a special exception use is prohibited if it is ‘detrimental to the health, safety or general welfare of the locality involved.’ In Schultz v. Pritts, we held that an applicant for a special exception ‘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 Board that the proposed use would be conducted without real detriment to the neighborhood . . . he has met his burden.’ 291 Md. 1, 11, 432 A. 2d 1319, 1325 (1981).

We further held in Montgomery County v. Butler, “the phrase ‘detriment to the neighborhood’ implies necessarily that the Board’s task is to determine if there is or likely will be a detriment to the *surrounding properties*.” 417 Md. 271, 305, 9 A. 3d 824, 844 (2010) (emphasis added). Thus, we held that, within the context of a special exception, the ‘neighborhood’ means ‘the surrounding properties’”

(6) Finally, absent language in the Code to the contrary, the special exception use is “conceptually . . . compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur.” People’s Counsel for Baltimore County v. Loyola College, Md., 406 Md. 54, 106 (2008)

CONCLUSIONS OF LAW

(1) Section 27-102 sets forth the general purposes of the Zoning Ordinance. One of the most important purposes is

- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans

This purpose is satisfied, as this use predates the current zoning and is located adjacent to a collector roadway in an existing neighborhood. The use implements the Established Communities goal of appropriate infill development, the Master Plan's suggestion that churches be located in residential communities, has limited impact upon public facilities, and no impact on woodland or environmental features.

(2) The requested use will be in conformance with the following applicable purposes in Section 27-102 since it provides a place of community worship within an existing structure that will be expanded to 3,919 square feet in a manner that will 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
- (12) To insure the social ... stability of all parts of the County

The request will further the following purposes of the Zoning Ordinance because the requested use will cover less than 50.2% of the lot, will provide on-site parking, landscaping and fencing in accordance with applicable provisions of the Landscape Manual and the recommendation of the Alternative Compliance Committee, will not change the residential character of the neighborhood given the design of the renovated Church and the extensive landscaping, nor lead to increased traffic congestion:

- (5) To provide adequate light, air, and privacy
- (6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development
- (10) To prevent the overcrowding of land
- (11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions

The use must satisfy the purposes of the R-55 Zone, *supra*. The Church will be developed with a new stormwater management system that includes bioretention facilities and underground stormwater management, and will preserve/protect the existing tree canopy. Moreover, the District Council has predetermined that churches are compatible with said purposes by allowing the use in the zone upon approval of a special exception.

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

(3) If the Alternative Compliance is approved, and the conditions of approval, below, are satisfied, the request will be in compliance with all applicable requirements and regulations of the Zoning Ordinance. (Section 27-317(a)(2))

(4) For reasons noted in the record by the Technical Staff and the Applicant's two witnesses found to be expert witnesses in the areas of transportation planning and land use planning, the Application will not substantially impair the integrity of the Master Plan, nor any applicable Functional Master Plan. (Section 27-317 (a)(3))

(5) A Church has existed at this location for many years with no indication in the record that it has adversely impacted the surrounding uses. This, coupled with the minimal lot coverage and the improvements that will be provided (such as sidewalks, extensive landscaping and bicycle racks), I cannot find that the requested Church would adversely affect the health, safety or welfare of residents/workers in the area, or that it would be detrimental to the use or development of adjacent properties or the general neighborhood. (Sections 27-317 (a)(4) and (5))

(6) The property has been issued a Standard Letter of Exemption from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance. (Section 27-317 (a)(6))

(7) The Applicant has been issued a Natural Resources Inventory Exemption Letter because there are no regulated environmental features on site. (Section 27-317 (a)(7))

(8) The property does not lie within a Chesapeake Bay Critical Area Overlay Zone. (Section 27-317 (b))

(9) The request satisfies the provisions of Section 27-341.02(a) since: the minimum setback from all building lines is at least 25 feet, and alternative compliance to the requirement in the Landscape Manual of 40 foot setbacks can be approved (Section 27-341.02 (a)(1); all access is from Cypress tree drive which is internal to the Cedar Heights Subdivision (Section 27-341.02(a)(2); all required parking will be on-site and anticipated traffic to be generated by the request is de minimis (Section 27-341.02(a)(3); the current parking spaces are in the front but the request will move some to the side (Section 27-341.02 (a)(4); and, the lot coverage will be 50.2% -much less than that allowed.

(10) Applicant has requested approval of AC-25002, which will allow an alternative design to conform with the requirements of Section 4.7 of the Landscape Manual. The

request was necessitated by the constraints of the existing infill lot, the need to provide functional access to the property, and ADA compliance. I agree with Mr. Wolford that the increased buffer yards along the north, east, and south of the property, the decrease in building setback, the additional plantings, and the four and six-foot attractive fencing are equally effective as the buffering required in the Landscape Manual.

(11) Finally, the use has existed for many years and is recognized in the Master Plan as desirable in this area. The increase in size is relatively small and attractively designed in a manner that will complement its surroundings. The traffic generated during peak hours is de minimis. Accordingly, the request at this location within the neighborhood will not have an adverse impact on the surrounding properties in a manner different from that of its location elsewhere in the neighborhood and in the same zone.

DISPOSITION

Special Exception 25003 and AC-25002 are Approved, subject to the following conditions:

1. Prior to certification of the Special Exception Site Plan it shall be renamed to the "Special Exception Site Plan", and the following revisions shall be made:
 - a. Label the tree canopy coverage schedule with requirements for the current Residential, Single-Family-65 (RSF-65) Zone, rather than the prior One-Family Detached Residential (R-55) Zone on the Landscape Plan.
 - b. Determine the correct tree counts by type, to clarify the discrepancies between those in the tree canopy coverage (TCC) and planting schedules on the Landscape Plan. Apply the correct counts to the TCC calculations.
 - c. Revise the Special Exception Site Plan to reflect the minimum lot width to be 65 feet and the proposed lot width to be 149.2 feet.
 - d. Revise the Special Exception Plan to reflect the building height of 17.2 feet.
 - e. Revise the Landscape Plan sheets to reflect compliance with Schedule 4.3-2 (Interior Planting for Parking Lots) of the Landscape Manual and remove reference to the Alternative Compliance request for Section 4.3.
 - f. Ensure that the dimensions of the final building footprint have been added to Sheet C200 of the Special Exception Site Plan.

- g. Ensure that the method of erecting the channel letters of the building sign is added to the signage sheet.

[Note: The Special Exception Site Plan and Landscape Plan is Exhibit 40]