

CORRECTED LETTER

October 16, 2023

Giac Son Buddhist Temple Corp
11801 Laurel Bowie Road
Laurel, MD 20707



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-20002
Giac Son Buddhist Temple

Dear Applicant:

This is to advise you that, on **September 28, 2023**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board, pursuant to the Transitional Provisions of Section 27-1900 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-290 of the prior Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**October 3, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Andrew Shelly
Reviewer

Attachment: PGCPB Resolution No. **2023-98**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

October 3, 2023

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RESOLUTION

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Giac Son Buddhist Temple Corp., submitted an application for approval of a detailed site plan; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development proposals for properties in the RR Zone may also utilize the prior Zoning Ordinance or Subdivision Regulations for development of the property on which the development is proposed; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on September 7, 2023, regarding Detailed Site Plan DSP-20002 for Giac Son Buddhist Temple, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) is for development of a 4,625-square-foot place of worship and will maintain an existing single-family detached dwelling as an accessory parsonage. This application also contains a variance to the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of two specimen trees, in accordance with Section 25-119(d) of the Prince George’s County Code, and alternative compliance from Section 4.7 of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual).
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	RR (prior R-R)	RR (prior R-R)
Use(s)	Single-family detached dwelling	Place of Worship and an accessory parsonage
Gross Acreage	1.64	1.64
Total Gross Floor Area	1,877 sq. ft. (Existing single-family detached dwelling to remain)	4,625 sq. ft. (Place of worship)

Parking Spaces

USE	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
Total Parking Spaces	45*	43 (13 compact spaces, 2 Americans with Disabilities Act spaces)
Bicycle Parking Spaces	-	6

***Note:** A condition has been included herein, for the applicant to revise the parking layout and update the number of required parking spaces from 43 to 45, in accordance with Section 27-568(a) of the prior Prince George’s County Zoning Ordinance. Two additional parking spaces are required for the accessory parsonage, which is equivalent to one single-family detached dwelling unit.

3. **Location:** The subject site consists of 1.64 acres and is located in the southeast quadrant of the intersection of MD 197 (Laurel Bowie Road) and Snowden Road, in Planning Area 62 and Council District 1.
4. **Surrounding Uses:** The subject property is bounded to the north by Snowden Road and single-family detached residential properties in the Residential, Single-Family-65 Zone; to the south by a place of worship in the Commercial, General and Office Zone and MD 197; to the east by single-family detached residential properties in the Residential, Rural (RR) Zone; and to the west by MD 197 and commercial properties in the Commercial, Service Zone and residential multifamily properties in the Residential, Multifamily-20 Zone.
5. **Previous Approvals:** The subject property does not have any prior approvals. The property has never been the subject of any preliminary plan of subdivision (PPS) or final plat. Based on the development application, a PPS and final plat are not required at this time. An analysis of this reasoning is provided within Finding 11.
6. **Design Features:** The subject application is for development of a 4,625-square-foot place of worship and maintains an existing single-family detached dwelling as a parsonage. The other existing structures on Parcels 27 and 28 will be razed.

The place of worship will be one story and 34 feet and 10 inches tall. The site will be accessed from MD 197. Currently, the site has two access points on MD 197. The access point furthest to the east will be removed and the remaining access point will be maintained. The applicant provides 43 parking spaces, including 13 compact spaces and 2 Americans with Disabilities Act (ADA) spaces. However, a condition has been included herein, to revise the parking layout to include two additional parking spaces for the accessory dwelling, in accordance with Section 27-568(a). The site will have two micro-bioretenion stormwater management (SWM) ponds.

Architecture

The place of worship will be constructed of red brick veneer, with red clay tile roofing and red columns. The side elevations will each have a medallion and a gable made of stucco. The place of worship will be elevated by gray painted planks and accessed via gray metal staircases. The staircases are located on all sides of the building and an ADA-accessible ramp is located on the side of the building facing Snowden Road. The primary entrance faces MD 197, where three access doors are provided. This application permits construction of a 28-foot-tall Buddha statue and a 1,755-square-foot courtyard to the east or side of the place of worship building.

Buddha Statue

Prior to the first Planning Board hearing on June 22, 2023, staff determined the Buddha statue is an “accessory structure” and that the maximum allowable height for an accessory structure in the Rural Residential (R-R) Zone is 15 feet. This information was provided to the Planning Board by staff at the June 22, 2023 hearing, and the Board heard testimony from the applicant on the issue. However, after hearing testimony from the applicant, staff, and the community at the September 7, 2023 hearing, the Board found that the Buddha statue should not be treated as an accessory structure. The Board instead found the applicant’s proffer, to limit the statue height to 28 feet, to be sufficient with additional screening measures.

As summarized above, the Planning Board finds the provided architecture to be sufficient, subject to conditions. These include revising the height of the place of worship building labeled as Site Note 25 on the DSP coversheet to match the height provided on the architectural elevations; providing the dimensions of the place of worship building entrances; providing floor plans for the place of worship; providing the material and colored elevations of the Buddha statue and courtyard; labeling the elevation facing Snowden Road as a side elevation on the architectural elevations and Site Note 26 on the DSP coversheet; and requiring the height of the Buddha statue to not exceed 28 feet, as proffered by the applicant.

Lighting

A photometric plan has been provided which demonstrates the light features and measurements. The project provides 14 fixtures, which are distributed throughout the site. The lighting has been deemed sufficient for the site and will provide adequate lighting, while minimizing visual disturbance and light pollution, particularly regarding the single-family detached property directly adjacent to the rear of the place of worship building.

Signage

Both building-mounted and freestanding signage are provided for this project. A 21-foot-long by 1.5-foot-high lettered sign that reads “GIAC SON TEMPLE” will be mounted along the building’s front elevation facing MD 197. Freestanding signage is provided along the corner of the intersection of MD 197 and Snowden Road. The signage will consist of 6-inch, painted red letters that read “Giac Son Buddhist Temple.” The letters will be mounted on a rough-hewn, granite, monolith stone that is 4 feet long and 6 feet high. The Planning Board finds the provided signage to be sufficient, subject to a condition that requires the applicant to modify the architectural elevations and signage sheets to create a signage chart on the DSP coversheet. The

signage chart should list the maximum permitted signage area and the applicant's provided signage area for both signs. In addition, the code references provided by the applicant are incorrect. The signage is permitted by Section 27-617 of the prior Zoning Ordinance, which allows one freestanding or attached sign per street frontage for the property. The materials that both signs will be constructed of shall be clearly identified, and the applicant shall provide a colored rendering of the freestanding sign.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the R-R Zone of the prior Zoning Ordinance. The subject application is in conformance with the applicable requirements of the prior Zoning Ordinance, including the requirements associated with the place of worship use within Footnote 52 of Section 27-441(b) and the applicable regulations of the R-R Zone, which include Section 27-428(a) and Section 27-442 of the prior Zoning Ordinance. In addition, the existing single-family detached dwelling that will be converted to an accessory parsonage must also meet the applicable Section 27-442 requirements, as identified in Section 27-424.01 of the prior Zoning Ordinance. The parsonage meets the applicable requirements identified in Section 27-442, but a condition has been included herein, to demonstrate conformance on the DSP and coversheet.

Section 27-441(b) – Table of Uses

(52) A church or similar place of worship that is located on a lot between one (1) and two (2) acres in size shall require a Detailed Site Plan in accordance with Part 3, Division 9, of this subtitle. In addition to the requirements of Section 27-285(b), the following requirements shall be met:

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

The provided setbacks for the place of worship and the existing single-family detached dwelling to be used as a parsonage are at least 25 feet from each lot line.

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

The provided parking is located in the side yard of both buildings.

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

The subject property does not exceed the maximum allowable lot coverage, which is 50 percent.

Section 27-428(a)

- (1) The purposes of the R-R Zone are:**
- (A) To provide for and encourage variation in 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 one-family residential developments with moderately large 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.**

The development conforms with the purposes of the R-R Zone. The development maintains an existing single-family dwelling and proposes a use that is permitted within the prior R-R Zone. The DSP meets the tree canopy coverage (TCC) requirement, which is further discussed in Finding 10, by providing sufficient landscaping that meets the native species requirements. The DSP also exceeds the minimum required open space preservation amount.

The criteria for approval of a DSP are set forth in Section 27-285(b), and the site design guidelines are set forth in Section 27-283 of the prior Zoning Ordinance.

Section 27-283. – Site design guidelines.

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**
- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**
- (c) These guidelines may be modified in accordance with Section 27-286.**

The development conforms with the design guidelines indicated in the following analysis of Section 27-274 of the prior Zoning Ordinance. The guidelines below are applicable to the development of a place of worship in the prior R-R Zone. These guidelines have not been modified, in accordance with Section 27-286 of the prior Zoning Ordinance.

Section 27-274(a). - Design Guidelines

(1) General.

(A) The Plan should promote the purposes of the Conceptual Site Plan.

The development promotes the purposes of the DSP, as stated in Section 27-281 of the prior Zoning Ordinance.

Section 27-281. – Purpose of Detailed Site Plans.

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
- (B) To help fulfill the purposes of the zone in which the land is located;**
- (C) To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

- (A) To show the specific location and delimitation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**

- (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;**
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**
- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The development promotes the intended purposes of the DSP. All buildings and structures are located on the plan and meet the required zone location regulations, apart from the existing approximately 15-foot-high statue, which must be shown on the DSP prior to certification if remaining on-site, as conditioned herein. Open space and landscaping are shown on the landscape plan. SWM facilities are shown on the approved SWM Concept Plan, No. 51711-2019-00. However, this concept plan has now expired. Therefore, a condition has been included herein requiring the applicant to provide a new, approved SWM concept plan prior to the certification of this DSP. All street furniture and building features are included in the architectural elevations. The applicant has indicated that a board of trustees will ensure the maintenance of all common areas, including the SWM facilities.

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...

The development demonstrates adequate parking and circulation throughout the site. The subject application provides access to the site via an existing access point on MD 197. A second access point currently exists on MD 197, along the property's frontage, and will be removed with this application. The existing site consists of a single-family detached dwelling unit with a gravel lot, with no parking spaces. With the addition of the place of worship, the applicant provides a total of 43 parking spaces, 13 of which are compact spaces and 2 are ADA-accessible. The Planning Board finds that two additional parking spaces are needed to fulfill the parking requirement associated with the existing single-family detached dwelling that will be utilized as a parsonage. The Board has recommended a condition requiring the applicant to add two additional parking spaces to the site plan, fulfilling the parking requirement.

The site plan also provides six bicycle parking spaces on-site, in front of the place of worship, facing MD 197. A condition has been provided requiring the applicant to label the bicycle parking spaces as part of Site Note 22 on the DSP coversheet.

The surface parking is located to the southeast of the building with drive aisles that are 22 feet wide and provide bi-directional traffic throughout the entire parking lot. A striped crosswalk is provided crossing the main drive aisle, which connects to a sidewalk, providing safe pedestrian movement to the entrance of the building. In addition to the internal sidewalks, a continuous sidewalk is provided along the site's entire frontage of MD 197 and Snowden Road. Based on the provided layout, the Planning Board finds that vehicular and pedestrian circulation is acceptable.

During the initial review of the application, staff requested additional information regarding the operations of the place of worship use. The applicant informed staff that the Buddhist temple differs from other religious uses, in that full occupancy will only occur five times in a single year. The applicant stated that during these events, which are listed in Site Note 22, the parking provided will be able to support all members of the temple and will not require any additional off-site parking. The driveway from MD 197 is 30 feet wide and, as mentioned above, drive aisles on-site are at a minimum 22 feet wide, which will allow for safe vehicular circulation on-site during these annual events. Given the information provided, the Planning Board finds that the site plan will support the peak hour demand for the use and will not adversely impact the adjacent properties.

(3) Lighting.

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...**

The development will provide adequate lighting. A photometric plan was provided with this application and the Planning Board finds that the demonstrated lighting will enhance the design character by illuminating the architectural design, while limiting any glare onto adjacent properties. A condition has been provided requiring the applicant to revise the photometric plan to demonstrate that the maximum illumination level at all residential lot lines does not exceed 0.5-foot candles.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The site design techniques include a 6-foot-high, site-tight wood fence along the boundary, with the existing single-family detached dwelling units to the north of the property. Adequate 10-foot-wide landscape buffering is provided along MD 197 and Snowden Road.

(5) Green Area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use...**

This application meets the green space requirements and a TCC schedule has been provided which demonstrates conformance with this requirement. An adequate variety of landscaping has been provided within the site, in compliance with the Landscape Manual.

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site...**

There will be site and streetscape amenities, such as the landscape strips along MD 197 and Snowden Road, with a variety of landscaped material that will contribute to an attractive development.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...**

Grading will be completed in accordance with the DSP and an approved erosion and sediment control plan at the time of development. Grading will be performed to minimize environmental impacts and disruption to the existing topography.

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive...**

There are no service areas approved as part of this development.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

This DSP does not consist of a large-scale commercial, mixed use, or multifamily development. Therefore, no public space systems are being approved as part of this development.

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

Architectural elevations were included with this application, and it was determined that the building materials, including red brick veneer, red clay roofing tiles, and stucco gables are harmonious with the place of worship building design.

8. **2010 Prince George’s County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The DSP provides the necessary plantings and schedules, in conformance with the Landscape Manual, with the exception of Section 4.7, subject to technical corrections and a condition requiring the applicant to substitute two provided ornamental trees, screening the property to the north from the Buddha statue, with two evergreen trees that are of sufficient height and approved by the Urban Design Section.

The Planning Board approves alternative compliance from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, along the property lines between the building and parking lot and the northeast and southeast sides of the property (Tables 1–4 on the landscape plans). The applicant has provided the following information:

REQUIRED: Section 4.7(c)(4), Buffering incompatible Uses, adjacent to single-family detached dwellings, Tables 1–4

Minimum Building Setback	40 feet
Minimum Landscape Yard	30 feet
Linear Feet of Property Line	667.26 feet
Plant Units (with 6-foot fence)	402

PROVIDED: Section 4.7(c)(4), Buffering Incompatible Uses, adjacent to single-family detached dwellings, Tables 1–4

Building Setback	26.2 feet
Landscape Yard	Variable (12 feet – 22 feet)
Linear Feet of Property Line	667.26 feet
Plant Units (with 6-foot fence)	630

Justification of Recommendation

The Planning Board approves the alternative compliance from the requirements of Section 4.7(c)(4) of the Landscape Manual, which include a Type C bufferyard for church or similar place of worship uses adjoining one-family detached dwellings (Medium Impact). Table 4.7-3, Bufferyard Types, requires a minimum building setback of 40 feet, a minimum landscape yard of 30 feet, and 120 plant units per 100 linear feet of property line for a Type C bufferyard. Section 4.7(c)(4)(E)(ii) allows properties within the prior Developing Tier to reduce the plant unit requirement by up to 50 percent, if a 6-foot-high, opaque fence or wall is installed within the bufferyard.

Table 4.7-3 requires a minimum building setback of 40 feet, but the provided building is set back 26 feet. As shown in Table 1 on the landscape plans, 171 planting units are required along the property line to the rear of the building, but the applicant provides 220 planting units. The

additional 51 planting units along this property line, and the 6-foot fence, will provide adequate screening and achieve the purposes of Section 4.7(c)(4) to buffer incompatible uses.

The unique shape of the property, the location on a corner, the location of the existing single-family detached dwelling that will remain as a parsonage, and parking requirements drastically decrease the buildable area for the place of worship, resulting in the encroachment into the 40-foot building setback and a variable width landscape yard. The applicant has provided a 6-foot-high fence and 200 additional plant units within the landscape yard, as an alternative design.

This 1.64-acre development has space limitations but provides supplemental plantings to meet the purposes and objectives of Section 4.7.

The Planning Board adopts the Planning Director’s recommendation of approval of Alternative Compliance AC-22009 from Section 4.7 (Buffering Incompatible Uses) of the Landscape Manual, along the site’s northeastern property line and a portion of the southeastern property line, subject to technical corrections and a condition requiring the applicant to substitute two provided ornamental trees, screening the property to the north from the Buddha statue, with two evergreen trees that are of sufficient height and approved by the Urban Design Section, as provided herein.

9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the WCO. A Type 2 Tree Conservation Plan (TCP2-018-2023) was submitted with the DSP application. The site was previously issued a standard letter of exemption from the provisions of the WCO in error that was issued on May 11, 2022. At the time of issuance, based on the information submitted, the property appeared to contain less than 10,000 square feet of woodland and had no previous tree conservation plan approvals. However, upon further investigation, it was determined that woodlands in excess of 10,000 square feet previously existed on-site, and that the clearing of these woodlands occurred without approval between 2014–2018. As of April 2023, three violations were cited by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), as referenced below:

Date	DPIE Violation Number	Citation
4/3/2023	12950-2023	Complaint of illegal construction
4/11/2023	14052-2023	Citation for extending driveway with gravel and concrete pad in front and walkway on property
4/11/2023	14054-2023	Complaint for same as 14052-2023

As a result, the applicant is required to obtain an approved TCP2 that addresses these violations, making their initial standard letter of approval (S-104-2022) no longer valid. To streamline the review of this DSP application, staff agreed to evaluate the mitigation of these violations, along with the development of this DSP, as one TCP2 review.

According to the TCP2, the woodland conservation threshold for this 1.64-acre property is 20 percent of the net tract area, or 0.32 acre. The total woodland conservation requirement, based on the amount of clearing that occurred, is 0.55 acre. The woodland conservation requirement is satisfied with 0.55 acre of fee-in-lieu.

Section 25-122(c)(1) of the County Code prioritizes methods to meet woodland conservation requirements. The applicant did not submit an SOJ, requesting approval of fee-in-lieu over other types of mitigation such as on-site or off-site mitigation, as reflected on the TCP2 worksheet. The use of fee-in-lieu is prioritized last after all other options are exhausted on or off-site. Looking at the priorities in the order of on-site preservation is not an option as no woodlands exist on-site.

Next, the site was graded with an existing parking lot that occupies the previous area of woodlands. As a result, there are no available areas to reforest. If the existing/provided parking lot were reduced, the long-term viability of any reforestation/afforestation on-site would be questionable given how compacted the existing soils are on-site. There are also no existing direct regulated areas within the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan) to directly tie into off-site, so any woodlands created would be isolated. Specimen tree credit could be used but is only allowed for trees in good condition. Only one specimen tree meets this criteria, Specimen Tree 2, which is a 36-inch white oak in good condition. However, the siting of the SWM facility layout and parking lot necessitates its removal. Looking further at the list of priorities, there are no areas viable for natural regeneration on-site as the site is completely graded and lacks sufficient seed sources. Off-site afforestation/reforestation and off-site woodland preservation are the next viable options, which have a higher priority over fee-in-lieu. The Planning Board recommends that the requirement be changed from fee-in-lieu to off-site mitigation for the 0.55-acre requirement.

A Subtitle 25 variance was submitted for review with this application. The approved Natural Resources Inventory, NRI-150-2019, identifies a total of two specimen trees on-site. The Planning Board adopts the following analysis and agrees with the request to remove two specimen trees.

The SOJ requests the removal of two specimen trees identified as Specimen Trees 1 and 2. The condition of the trees ranges from fair to good. The TCP2 shows the location of the trees that will be removed. These specimen trees are proposed for removal for the development of the site, specifically, for the parking lot and associated SWM system.

Technical revisions to the TCP2 are required and included as conditions herein.

Evaluation

The Planning Board supports the removal of the two specimen trees requested by the applicant, based on the findings below, with a condition that is included herein. The condition states that the applicant is to replace the specimen trees with two additional native shade trees with a minimum caliper of three inches. Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request,

with respect to the required findings, is provided below, along with a condition of approval included herein:

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the two specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The specimen trees are in the southeast corner of the site, close to the property line. The specimen trees proposed for removal are not associated with any regulated environmental features (REF) or located in any regulated or evaluation areas within the Green Infrastructure Plan. A summary of each removal impact follows below:

**Two Specimen Trees Within the Parking Lot,
 Stormwater Management (SWM) System and Associated Grading:**

Specimen Tree Variance SOJ Table							
Specimen Tree Number	DBH	Common Name	Location	Rating	Impact	Condition Comments	Construction Tolerance
1	38”	White oak	Southeast corner	Fair	Within grading of parking lot.	Lower trunk injury, some dead branches.	Good to medium tolerance. Limiting factors include root zone impacts and climatic intolerance.
2	36”	White oak	Southeast corner	Good	SWM facility construction and grading for both the SWM facility and the parking lot.	Some bark damage.	Good to medium tolerance. Limiting factors include root zone impacts and climatic intolerance.

The table above indicates that the two specimen trees requested for removal are associated with the parking lot, SWM, and connected grading. White oak species have good to medium construction tolerances but are intolerant of root zone impacts and have climatic intolerance. Both trees’ critical root zones have been previously impacted extensively with grading and compaction associated with two existing sheds, a barn, and the existing asphalt parking lot. Specimen Tree 1 has existing damage to the lower trunk and signs of decline including dieback of branches in its canopy. Specimen Tree 2 also has some existing bark damage. Since more than half of these trees’ critical root zones are already impacted, any further impacts to these trees’ critical root zones will most likely have further detrimental effects on the health of both trees. Removal of these trees

is necessary to provide adequate circulation for the parking lot as well as to allow for the SWM system to function properly.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the Environmental Technical Manual for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property.

If similar trees were encountered on other sites, they would be evaluated under the same criteria. The development provides a use that aligns with the uses permitted in the R-R Zone. The specimen trees requested for removal are located within the developable parts of the site.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured specimen trees in similar conditions and locations; it would be given the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances, which are the result of actions by the applicant.

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the two specimen trees would be the result of the infrastructure and grading required for the development. The request to remove the trees is solely based on the trees' locations on the site, their species, their condition, and the inability to preserve more than two-thirds of their critical root zone, as required for retention purposes.

(E) The request does not arise from a condition relating to land or building use, either permitted, or nonconforming, on a neighboring property.

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and were not impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request will not violate state water quality standards, nor cause measurable degradation in water quality. Requirements regarding the SWM concept plan will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Both SWM concept plan and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion on the Variance Request

The required findings of Section 25-119(d) were adequately addressed for the removal of two specimen trees, identified as Specimen Trees 1 and 2. The TCP2 shows the location of the trees to be removed. The Planning Board approves the variance for removal of the two specimen trees for the construction associated with this DSP application.

10. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. Section 25-128 of the County Code requires a minimum percentage of TCC on projects that propose more than 5,000 square feet of disturbance. The subject property is located in the RR Zone, which requires a minimum of 15 percent TCC, or 0.25 acre. The subject DSP provides the required schedule demonstrating conformance to these requirements through the provision of new plantings on the subject property.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
 - a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated March 8, 2023 (Green to Shelly), which concluded that, pursuant to Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
 - b. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated May 26, 2023 (Patrick to Shelly), which concluded that the plan is acceptable and meets the findings required for a DSP, as described in the prior Zoning Ordinance.

- c. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated May 17, 2023 (Juba to Shelly), which concluded that the TCP2-018-2023 was acceptable, subject to conditions included herein.
- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated May 19, 2023 (Diaz-Campbell to Shelly), which concluded that a PPS and final plat are not required at this time. A condition has been included herein, to revise Site Note 13, as 10-foot-wide public utility easements are not required to be provided when there is no requirement for a PPS or final plat.
- e. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated February 10, 2023 (Stabler to Shelly), which concluded that the subject property is located within the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (master plan) area. The master plan contains goals and policies related to historic preservation (pages 101–104). However, these are not specific to the subject site or applicable to the development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicate the probability of archeological sites within the subject property is high. This property was the location of a blacksmith shop and/or wheelwright shop (1860–1878). The existing two-story house was built circa 1937. It was concluded that DSP-20002 was acceptable, with no conditions.
- f. **Permit Review**—The Planning Board has reviewed and adopts the memorandum dated March 12, 2023 (Barlett to Shelly), which concluded that the plan was acceptable with the technical conditions, which were addressed prior to the completion of this resolution.
- g. **Prince George’s County Health Department**—The Planning Board has reviewed and adopts the memorandum dated February 7, 2023 (Adepoju to Shelly), which indicated that the Health Department has completed a desktop health impact assessment review of the DSP submission for Giac Son Buddhist Temple. Conditions have been provided to state the request notes on the DSP coversheet.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated March 9, 2023 (Giles to Shelly), in which DPIE noted comments that will be applicable with the agency’s technical permit review.
- i. **Prince George’s County Fire/EMS Department**—The Planning Board has reviewed and adopts the email dated March 22, 2023 (Reilly to Shrestha), in which the Fire/EMS Department indicated that all relevant comments were addressed.
- j. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this resolution, the Prince George’s County Planning Department has not received any written correspondence from WSSC on this subject application.

- k. **Maryland State Highway Administration (SHA)**—At the time of the writing of this resolution, the Planning Department has not received any written correspondence from SHA on this subject application.
12. As required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code, without requiring unreasonable cost and without detracting substantially from the utility of the development for its intended use.
13. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

No REF exist on-site; therefore, none will be impacted by the development. The Planning Board finds that REF were preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).

14. **Community Feedback:** The Planning Department has received written correspondence from the public for this subject application as additional backup from all three Planning Board hearings for this case. Community members expressed concerns on a variety of issues that were analyzed by the Planning Board in their decision to approve the subject application. These concerns are, as follows: SWM, survey discrepancies, tree clearing, parking, traffic, a previously proposed metal carport, and a possible permit violation.

The Planning Board found that the applicant submitted a SWM concept plan approved by DPIE that had since expired, prior to the first Planning Board hearing. To remedy this, a condition was included (Condition 1y) that the applicant provide a valid approved SWM concept plan, prior to certification of the DSP. The Board also examined the proposed parking and traffic circulation of the site. The Board found that both were acceptable, subject to a condition (Condition 1o), which requires the applicant to provide two additional parking spaces, in accordance with Section 27-568(a) of the prior Zoning Ordinance. A metal carport was shown on a site rendering provided by the applicant, as additional backup during the first Planning Board hearing on June 22, 2023. A second hearing was held on July 27, 2023, to further discuss the validity of the metal carport. At the hearing, the applicant provided testimony that the metal carport was no longer being pursued and would not be constructed.

As discussed herein, the applicant has been cited by DPIE for multiple woodland clearing violations that have been addressed in the submission and review of the TCP2. Possible permit violations have been submitted in the additional backup, based on the prior expansion of the single-family detached dwelling that will become a parsonage. However, these violations are outside of the purview of the Board and do not cause the subject property to not conform with the

required regulations of the R-R Zone. A survey from a neighboring property to the north was submitted with minor discrepancies in bearings and distances of the property lines from the survey provided by the applicant. The Board found that these discrepancies did not cause the subject property to not conform to the required regulations of the R-R Zone. In addition, improvements were shown to be made by the applicant on the surveyed property to the north. These improvements included grading and the placement of an approximately 15-foot-tall statue. The Board found that this DSP removed these improvements and provided a condition that the existing 15-foot-tall statue be shown on the DSP, prior to certification, if being maintained by the applicant.

15. **Planning Board Hearing:** On June 22, 2023, the Planning Board held a public hearing for Detailed Site Plan DSP-20002, Giac Son Buddhist Temple. The Board voted to continue the public hearing until July 27, 2023, for the limited purpose of obtaining more information about a proposed metal carport shown on the applicant's rendered site plan.

During the Planning Board hearing on July 27, 2023, the applicant provided testimony stating that the metal carport was no longer being pursued. The applicant then requested, and the Board voted to continue the public hearing until September 7, 2023, for the limited purpose of obtaining additional information regarding the Buddha statue, site landscaping, and site fencing.

Prior to the September 7, 2023 public hearing, the Board received numerous exhibits from the applicant. These exhibits include a letter to the Chairman discussing the importance of the Buddha statue to the Buddhist faith, proposed illustrative renderings of the subject property, a letter from the applicant's attorney to staff concerning Condition 1x in the published technical staff report, a proposed revision to Condition 1x from the applicant, and case law examples that are discussed in the letter from the applicant's attorney to staff. In addition, the illustrative renderings provided included additional structures that were not part of this DSP approval. Staff found and the Board agreed that these additional structures will require a separate approval process and are not being considered with this application.

As discussed in Finding 14 above, the Board also received multiple opposition exhibits, prior to the September 7, 2023 public hearing. These exhibits focused on the issues identified in Finding 14 and are summarized herein.

The public hearing began with a technical staff presentation, followed by an applicant presentation. The applicant and staff were in agreement on all but one of the recommended conditions of approval. Staff contended that Condition 1x should modify the height of the proposed Buddha statue to 15 feet, in accordance with the accessory structure regulations of the prior Zoning Ordinance. The applicant disagreed, stating that the prior Zoning Ordinance did not have a regulation for religious monuments and, instead proffered a condition that the statue be limited to 28 feet in height.

Numerous members of the community testified in opposition to the subject application. Testimony included discussion on a submitted survey in the additional backup that was provided by a neighboring property, a possible DPIE permit violation, SWM, and possible County Noise Ordinance violations.

A neighboring property submitted a survey by a licensed surveyor. The Board found that the submitted survey in the additional backup had minor discrepancies in bearings and distances of the property lines from the survey provided by the applicant, which was also prepared by a licensed surveyor. The Board found that these discrepancies did not impact the subject property's ability to conform to the required regulations of the R-R Zone. In addition, improvements were shown to be made by the applicant on the adjacent surveyed property to the north. These improvements included grading and the placement of an approximately 15-foot-tall statue. The Board found that this DSP removed these improvements and provided a condition (Condition 1z) that, prior to certification, the existing 15-foot-tall statue be shown on the DSP if it is to be maintained.

Condition 1y was found to be acceptable by the Board, which required the applicant to submit a valid SWM conceptual plan that was approved by DPIE, prior to the certification of the DSP. In addition, while outside the purview of the Planning Board hearing, the Board encouraged the applicant to work with community members to enhance relationships in the neighborhood. Contact information for DPIE representatives was provided by staff to all registered speakers after the first public hearing on June 22, 2023.

A robust discussion was held concerning the proposed statue height. The Board found that the prior Zoning Ordinance did not permit regulation of the height of religious monuments and agreed to the applicant's proffer to limit the Buddha statue height to 28 feet. However, the Board expressed concern over the provided height of the proposed trees that would be planted to screen the statue from the neighboring property to the north. A revision to Condition 1w(5) was proposed that would allow the Urban Design section to request a larger height for the provided screening trees.

Following this discussion, the Planning Board voted to approve Detailed Site Plan DSP-20002, Type 2 Tree Conservation Plan TCP2-0018-2023, Alternative Compliance AC-22009, and a variance to Section 25-119(d), subject to conditions, which included revisions to Conditions 1w(5), 1x, and 1z.

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 Type 2 Tree Conservation Plan TCP2-018-2023, and APPROVED Alternative Compliance AC-22009, and APPROVED a Variance to Section 25-119(d), and further APPROVED Detailed Site Plan DSP-20002 for the above-described land, subject to the following conditions.

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided as follows:

- a. Add the following site notes on the DSP coversheet:
 - (1) “During the demolition/construction phases of this project, dust shall not be allowed to cross over property lines and impact adjacent properties. The applicant shall conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”
 - (2) “During the demolition/construction phases of this project, noise shall not be allowed to adversely impact activities on the adjacent properties. The applicant shall conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.”
- b. Relabel the site notes on the DSP coversheet to be in numerical order.
- c. Revise Site Note 8 on the DSP coversheet (which will become Site Note 6) and replace “N/A” with “1”, regarding the number of dwelling units.
- d. Revise Site Note 13 on the DSP coversheet, as 10-foot-wide public utility easements are not required to be provided when there is no requirement for a preliminary plan of subdivision or final plat.
- e. Revise Site Note 22 on the DSP coversheet to indicate the parking requirement associated with the accessory parsonage, in accordance with Section 27-568(a) of the prior Prince George’s County Zoning Ordinance, and the provided number of bicycle parking spaces.
- f. Revise Site Note 25 on the DSP coversheet to match the building height identified in the architectural elevations.
- g. Revise Site Note 26 on the DSP coversheet and relocate the Snowden Road setback under the side setback column.
- h. Demonstrate conformance to Section 27-442 of the prior Prince George’s County Zoning Ordinance, for the accessory parsonage, within the site notes on the DSP coversheet.
- i. Demonstrate conformance to Section 27-617 of the prior Prince George’s County Zoning Ordinance, via a signage chart on the DSP coversheet.
- j. Revise the architectural elevations on Sheet 7 to clearly label the material of the attached signage.
- k. Provide a colored rendering of the freestanding signage on Sheet 10.
- l. Provide floor plans for the Buddhist temple.

- m. Provide the dimensions of the building entrance doors on the architectural elevations on Sheets 7 and 8.
- n. Provide the material and color elevations of the Buddha statue and courtyard on Sheet 9.
- o. Revise the DSP parking layout to conform with the additional parking requirement associated with the accessory parsonage, per Section 27-568(a) of the prior Prince George's County Zoning Ordinance.
- p. Relabel the site keynotes on Sheet 4 to be in numerical order and revise the spelling errors in Site Keynote 2.
- q. Provide labels for both bicycle racks on Sheet 4.
- r. Revise the "Landscape Easement" labels on Sheets 4 and 6 to "Landscape Buffer."
- s. Provide separate labels for compact parking spaces and standard parking spaces on Sheets 4, 5, and 6.
- t. Provide dimensions for the setbacks for the existing accessory parsonage on Sheet 4.
- u. Provide dimensions for the courtyard on Sheet 4.
- v. Revise the photometric plan to demonstrate that that the maximum illumination level at all residential lot lines does not exceed 0.5-foot candles.
- w. Revise the landscape plan as follows:
 - (1) Update the plantings schedule on Sheet 12 to state *Juniper horizontalis* (Creeping Juniper) is not a native species.
 - (2) Revise the title of the list of plant species on Sheet 12 to "Plant List" and revise the quantity of Dwarf Inkberry shrubs from 106 to 107.
 - (3) Revise Table 9, Scheule 4.9-1, Sustainable Landscaping Requirements, on Sheet 13 to state the total number of native shrubs is 107.
 - (4) Update the landscape plan and provide two additional native shade trees with a minimum caliper of three inches to replace the two removed specimen trees.
 - (5) Update the landscape plan and associated planting schedules to substitute two provided ornamental trees, screening the property to the north from the Buddha statue, with two evergreen trees that are of sufficient height and approved by the Urban Design Section.

- x. Revise the Buddha statue height on all plans and elevations to 28 feet.
 - y. Provide a copy of the approved stormwater management concept plan.
 - z. Demonstrate the location and dimensions of the existing off-site, approximately 15-foot-tall, statue on Sheet 4, if being maintained.
2. Prior to certification of the detailed site plan (DSP), the Type 2 Tree Conservation Plan (TCP2-018-2023) shall be revised, or additional information shall be provided as follows:
- a. Add the standard off-site woodland conservation notes.
 - b. Remove all standard notes that do not pertain to the subject property and replace them with one set of standard notes that do pertain to the subject property.
 - c. Add and complete the property owner's awareness certificate on the TCP2.
 - d. Revise the TCP2 worksheet as follows:
 - (1) Add the correct TCP number to the worksheet.
 - (2) Indicate "Y" in the corresponding box to indicate that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and in a Priority Funding Area.
 - (3) Add the following note on the plan under the specimen tree table:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE]:

The removal of two specimen trees (Section 25-122(b)(1)(G)), Specimen Trees 1 and 2."
 - (4) Change all fee-in-lieu credit to off-site woodland conservation credits required.
 - (5) Remove all previously dedicated land from the TCP2 worksheet.
 - e. Add the TCP2 case number (TCP2-018-2023) to the TCP2 Environmental Planning Section approval block.
 - f. Add the DSP case number (DSP-20002) into the Development Review Division number column of the TCP2 Environmental Planning Section approval block.

- g. Update the Forest Conservation Act Reporting Information (Change Table) as follows:
 - (1) Update the gross tract area with the correct value.
 - (2) Indicate that no fee-in-lieu is being used.
 - (3) Indicate the amount of off-site woodland conservation credits required.
- h. Add the standard specimen tree and critical root zone symbols from the Environmental Technical Manual to the TCP2.
- i. Add the pre-existing tree line to the TCP2, per the approved natural resources inventory.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following 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 Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, September 7, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of September 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AS:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 9/25/23