

April 5, 2022



Gutschick, Little, & Weber
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: Notification of Planning Board Action on
Departure from Design Standards DDS-682
Clinton Church Of Christ

Dear Applicant:

This is to advise you that, on **March 31, 2022**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-228.01 of the Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice 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), the District Council decides, on its own motion, to review the action of the Planning Board.

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

(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.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Thomas Sievers Digitally signed by Thomas Sievers
Date: 2022.03.31 16:42:55 -0400
Reviewer

Attachment: PGCPB Resolution No. **2022-33**

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

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards Application No. DDS-682, Clinton Church of Christ, requesting a departure from Section 4.7 of the 2010 *Prince George’s County Landscape Manual* for a church or similar place of worship, in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on March 10, 2022, the Prince George’s County Planning Board finds:

1. **Request:** The property owner requested a departure from design standards (DDS) from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) for a church or similar place of worship. Per Table 4.7-1 of the Landscape Manual, a church is considered a medium-impact use. The one-family detached dwellings to the north and west require a Type C bufferyard between the two uses. The applicant requested a reduction from the required 40-foot building setback to 13.5 feet, and the 30-foot landscape bufferyard to vary from 0 to 30 feet. The only proposed modifications to the property are to adjust the driveway and parking areas to accommodate the new use. This includes widening the existing driveway and entrance, as well as striping the parking spaces.

The following tables provide a breakdown of the departure request:

REQUIRED: Section 4.7, Buffering Incompatible Uses Type C buffer, along the northern property line, adjacent to existing residential dwellings

Length of bufferyard	584 feet
Minimum building setback	40 feet
Landscape yard width	30 feet
Fence or wall	Yes
Percent with existing trees	26
Plant units (120 per 100 l. f.)	174

PROVIDED: Section 4.7, Buffering Incompatible Uses Type C buffer, along the northern property line, adjacent to existing residential dwellings

Length of bufferyard	160 feet
Minimum building setback	13.5 feet
Landscape yard width	0–30 feet
Fence or wall	Yes
Percent with existing trees	26
Plant units (120 per 100 l. f.)	60

2. **Development Data Summary:** The following chart summarizes the approved development for the overall Clinton Church of Christ property, which remains unchanged by this application.

	EXISTING	APPROVED
Zone	R-80	R-80
Use(s)	Residential	Church or similar place of worship
Total Acreage	3.43	3.43
Number of Lots	0	0
Parcels	1	1

3. **Location:** The subject site is one parcel located in the northwest quadrant of the intersection of MD 381 (Brandywine Road) and Den Lee Drive. The property is known as Parcel 86 as shown on Tax Map 125, Grid C3, and is in the One-Family Detached Residential (R-80) Zone.
4. **Surrounding Uses:** The subject site is bounded on the north and west by residential uses in the R-80 Zone; to the east by MD 381 (Brandywine Road), with a church beyond in the Rural Residential Zone; and to the south by Den Lee Drive, with residential uses beyond
5. **Previous Approvals:** The subject parcel conveyed by deed since January 11, 1949, recorded amongst the Prince George’s County Land Records as Liber 1092 folio 117, and is not platted. The current owner, Clinton Church of Christ recorded a deed conveyance on December 21, 2020, recorded amongst the Land Records as Liber 44889 folio 222. The site was subject to alternative compliance review (AC-21016) and was denied on July 23, 2021, for failing to meet the criteria in Section 1.3 of the Landscape Manual. As provided in Section 1.3(f), when compliance with the Landscape Manual, including the standards for alternative compliance. is not possible, applicants may seek a departure under the provisions of Section 27-239.01 of the Zoning Ordinance
6. **Prince George’s County Zoning Ordinance Requirements:** The criteria for approval of a DDS is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

The applicant proposed to replace a day care use with a church use, and in doing so must widen the driveway and entrance and add striping to parking spaces. The new use will have a greater impact and will be an incompatible use, for landscaping purposes, next to residential properties. Due to limited space on the site, however, a reduction to the requirements of Section 4.7 is necessary. A

request for Alternative Compliance, AC-21016, was denied by the Planning Director on July 23, 2021. In response, the applicant proposed additional landscaping along 160 feet of the northern property line, with an additional 45 feet of board fencing. The applicant also proffered to install additional landscaping on the neighboring properties, upon consent of the owners. Approval of this departure will allow for institutional uses benefitting the public on property that has otherwise laid dormant for a number of years, resulting in deterioration and unsightly conditions. Therefore, in combination with the additional landscaping, the Prince George's County Planning Board determined that the purposes of the Zoning Ordinance will be equally well or better served by the applicant's proposal.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

The departure is the minimum necessary, given the location of the existing structures that are to be utilized on-site. As a result, the applicant is mitigating the impacts of a church use to the greatest extent possible.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The departure is the minimum necessary to alleviate the constraints that are unique to this site. The property has been in existence since January 11, 1949. The current structures have been in place for many years and strict adherence to the code would require demolition to alleviate the need for additional buffering.

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

Testimony was received concerning the existence of unsightly conditions on the property, including an unused swimming pool. According to the applicant's statement of justification (SOJ), cleanup of the site has already begun and improvements to the cleanliness of the site have been affirmed through two letters of support from neighboring properties, one of those being from the owner of Lot 18.

The proposed departure still includes existing trees and additional landscape buffering of 160 feet along the northern property line, and 45 feet of 6-foot-high board fencing that will further beautify the site and effectively buffer the residential uses from the church use. The buffer contains up to 26 percent existing trees, which will be supplemented with the additional 60 plant units. The driveway is paved and will not generate excessive amounts of dust. Due to the cleanup measures, combined with the active use of an otherwise abandoned

property and the effective existing and proposed screening proffered by the applicant, the Planning Board finds that the DDS will not impair the visual, functional, or environmental quality or integrity of the site or surrounding neighborhood.

7. **2010 Prince George’s County Landscape Manual:** In accordance with Section 27-450, Landscaping, screening, and buffering, of the Zoning Ordinance, this development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. The applicant submitted a request for alternative compliance, AC-21016, from the requirements of Section 4.7 that was denied by the Planning Director, on July 23, 2021.

The Landscape Manual designates a church as a compatible, medium impact use with moderate effects on adjacent properties. Such a designation requires a Type C bufferyard to mitigate the impacts of the proposed use. A Type C bufferyard requires a minimum building setback of 40 feet, minimum landscape yard of 30 feet, and 120 plant units per 100 linear feet of property line. The site contains a total of 584 linear feet of property line and right-of-way, with approximately 26 percent being occupied by existing trees. The subject site requires 174 plant units.

The existing driveway and building proposed to be utilized as the church is located near the northern property boundary and is skewed in relation to the property line. This results in a tapering building set back from 20 feet to 13.5 feet at the closest point with adjacent Lot 18. The remaining impacted lots, Lots 19–23, are only impacted by the existing driveway. According to the applicant’s SOJ, the existing fencing and proposed landscape materials are being sought to satisfy the buffer requirements along the northern property line in response to an alternative compliance denial. Due to the tapering effect of the lot, building setback relief is requested for 20 feet to 26.5 feet along adjacent Lot 18, as the site conditions cannot be changed without demolition of the existing structure. In addition, landscape buffer relief is requested, as a portion of the existing building to be utilized is located within it. Approximately 160 feet of landscape buffer is proposed along the northern property line with a total of 60 plant units provided, a departure of 114 plant units. The applicant proposed a combination of shade, evergreen, and ornamental trees to be planted in the landscape buffer. The applicant also proposed 45 feet of 6-foot-high board fencing to provide more visual buffering of the uses. The Planning Board found that the combination of existing trees, fencing, and landscape plantings will adequately buffer the site, mitigating the medium-impact church use.

8. **Tree Canopy Coverage Ordinance:** The site has been issued a standard exemption from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (S-200-2021) because the site contains less than 10,000 square feet of woodlands and has no previous tree conservation plan approval. A Natural Resources Inventory equivalency letter has been issued for the site (NRI-167-2021). The NRI was issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted.

9. **Referrals:** No referral agencies provided any comment or concern that would affect the recommendation of approval for this application. The relevant comments submitted for this application were included in this technical staff report. The following referral memorandums were received, are included as backup to this technical staff report, and adopted by reference herein:

- Permits Review Section, dated December 27, 2021 (Hughes to Sievers)
- Community Planning Section, dated January 21, 2022 (Sams to Sievers)
- Transportation Planning Section, dated January 28, 2022 (Patrick to Sievers)
- Urban Design Section, dated January 26, 2022 (Butler to Sievers)
- Environmental Planning Section, dated December 22, 2021 (Schneider to Sievers)
- Department of Permitting, Inspections and Enforcement, dated February 2, 2022 (Giles to Sievers)

10. **Planning Board Hearing:** Prior to the submission deadline for the March 10, 2022 Planning Board hearing, three additional exhibits were submitted into the record. The first item was received from the applicant's representative, Tim Longfellow, requesting revisions to the staff report, which staff affirmed. The second item was received from Mr. James Crudup who provided testimony and documentation in opposition to the application. The third item was received from Mr. Dwight Douglas who provided testimony, documentation, and photos in opposition to the application.

Two additional conditions were added into the record verbally and were approved during the Planning Board hearing. First, Mr. Longfellow proffered landscaping along the entirety of the northern property line, subject to consent of the neighboring homeowners. Second, as a point of clarification as to church capacity, the Chairman suggested a note be added to the site plan stating a 65-person occupancy limit, commensurate with the parking schedule requirements. Both conditions are listed below as 1d and 1e

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following condition:

1. Prior to certification of the departure site plan, the plans shall be revised to:
 - a. Provide dimensions of all buildings on the site plan.
 - b. Provide the use of each structure on the site plan.
 - c. Provide a note on the site plan indicating if the other rooms/buildings will not be occupied at the same time as the main auditorium.
 - d. Provide a note on the site plan indicating that there is a 65-person occupancy limit.

- e. Provide additional landscaping along the entire northern property line, subject to consent of the neighboring homeowners.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 10, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2022.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 29, 2022